

AGENDA ITEM 12

EXECUTIVE OFFICER'S REPORT.

- a) Operational and budget reports.
- b) Update on legislation.
- c) Presentation of licensing and enforcement data.
- d) Future agenda items.
- e) Other informational items.



Memorandum

Date: October 30, 2020

To: CBOT Members

From: Heather Martin, Executive Officer

Subject: Executive Officer Report

a) Operational and budget reports.

Two positions were recently filled: the Legal Desk analyst in Enforcement and a Licensing Technician.

Through the budget change proposal (BCP) process, effective July 1, 2020, the Board was authorized and funded for 1.5 additional positions in Licensing and 1.0 additional position in Licensing effective January 1, 2021. The additional positions were authorized to respond to the increase in applications and projected increase in applications due to several new programs.

Due to our recent experience with having to advertise/interview two times (for both recent hires), and the approximate 6-7 month timeframe from initial recruitment to hire date, we have begun the process to recruitment.

Budget information attachments:

- Fiscal month (FM) 3 revenue (\$608,343);
- FM3 expenditures (\$824,124);
- Current Fund Condition.

b) Update on 2020 legislation.

The status of 2020 legislation is provided (e.g., signed by the Governor, vetoed, dead, etc.)

c) Licensing and enforcement data and reports.

Reports showing the licensing and enforcement data for the period July 1 – September 30, 2020) for the following:

- Application/Licensing data.
- Pending complaint/enforcement case info.

- Citation data.
- Listing of current probationers.

d) Future agenda items.

- Practice Committee's consideration of the following:
 - Suture removal;
 - Review of ACOTE Guidelines and consider reducing advanced practice education and training requirements for students graduating after a certain date (date TBD).
 - Review of education and training requirements for licensees demonstrating competence in advanced practice areas and consideration of reducing education/training hours needed.
 - Recommendation on records retention requirement for an occupational therapy business that closes or is sold or if the practitioner is no longer in private practice.
- OTD ad hoc committee members to consider the internship/clinical experience completed as part of a Doctor of Occupational Therapy (OTD) and the 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 (once DGs are updated).

e) Other informational items.

Sunset review schedule and article.

AGENDA ITEM 12(a)

OPERATIONAL AND BUDGET REPORTS.

The following are attached:

- FY 2020-21 Q1 Revenue Report
- FY 2020-21 Expenditure Projections
- Fund Condition

Reporting Structure(s): 1112400 Support

Fiscal Month: 3

Fiscal Year: 2020 - 2021

Run Date: 10/21/2020

Revenue

Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
Delinquent Fees		\$0	\$3,470	\$9,690	-\$9,690
4121200012	3017 Delinq Ren OT	\$0	\$2,750	\$8,250	-\$8,250
4121200013	3017 Delinq Ren OTA	\$0	\$720	\$1,440	-\$1,440
Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
Other Regulatory Fees		\$0	\$1,320	\$4,180	-\$4,180
4129200029	3017 Cite & Fine	\$0	\$970	\$2,905	-\$2,905
4129200032	3017 Duplicate Lic OT	\$0	\$225	\$950	-\$950
4129200033	3017 Duplicate Lic OTA	\$0	\$125	\$325	-\$325
Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
Other Regulatory License and Permits		\$0	\$30,800	\$95,945	-\$95,945
4129400060	3017 Initial Lic OT	\$0	\$16,470	\$54,901	-\$54,901
4129400061	3017 Initial Lic OTA	\$0	\$4,443	\$14,028	-\$14,028
4129400062	3017 Limited Permit OT	\$0	\$1,700	\$2,100	-\$2,100
4129400063	3017 Limited Permit OTA	\$0	\$200	\$200	-\$200
4129400064	3017 Retired Status OT	\$0	\$150	\$675	-\$675
4129400065	3017 Retired Status OTA	\$0	\$125	\$225	-\$225
4129400066	3017 App Fee OT	\$0	\$6,300	\$20,499	-\$20,499
4129400067	3017 App Fee OTA	\$0	\$1,600	\$4,400	-\$4,400
4129400522	Refunded Reimbursements	\$0	-\$98	-\$98	\$98
4129400524	Suspended Revenue	\$0	\$9	\$499	-\$499
4129400525	Prior Year Revenue Adjustment	\$0	-\$99	-\$1,484	\$1,484
Fiscal Code	Line Item	Budget	Current Month	YTD	Balance

Other Revenue		\$0	\$2,415	\$8,883	-\$8,883
4143500006	Misc Serv To Public General	\$0	\$2,415	\$8,785	-\$8,785
4171400001	Canceled Warrants Revenue	\$0	\$0	\$98	-\$98
Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
Renewal Fees		\$0	\$168,742	\$478,197	-\$478,197
4127400038	3017 Renewal OT	\$0	\$137,722	\$395,637	-\$395,637
4127400039	3017 Renewal OTA	\$0	\$27,000	\$70,020	-\$70,020
4127400040	3017 OT Restore Lic To Active	\$0	\$0	\$440	-\$440
4127400041	3017 OTA Restore Lic To Active	\$0	\$180	\$180	-\$180
4127400042	3017 Inactive Ren OT	\$0	\$3,300	\$10,120	-\$10,120
4127400043	3017 Inactive Ren OTA	\$0	\$540	\$1,800	-\$1,800
Revenue		\$0	\$206,747	\$596,895	-\$596,895
Reimbursements					
Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
Scheduled Reimbursements		\$0	\$2,205	\$8,379	-\$8,379
4840000001	Fingerprint Reports	\$0	\$2,205	\$8,379	-\$8,379
Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
Unscheduled Reimbursements		\$0	\$721	\$3,069	-\$3,069
4850000009	Us Cost Recovery	\$0	\$721	\$3,069	-\$3,069
Reimbursements		\$0	\$2,926	\$11,448	-\$11,448

Department of Consumer Affairs
Expenditure Report
 California Board of Occupational Therapy
 Reporting Structure(s): 11112400 Support
 Fiscal Month: 3
 Fiscal Year: 2020 - 2021
 Run Date: 10/21/2020

PERSONAL SERVICES

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5100 PERMANENT POSITIONS		\$0	\$65,156	\$191,196	\$0	\$191,196	-\$191,196
5100000000	Earnings - Perm Civil Svc Empl	\$0	\$57,221	\$167,649	\$0	\$167,649	-\$167,649
5105000000	Earnings-Exempt/Statutory Empl	\$0	\$7,936	\$23,547	\$0	\$23,547	-\$23,547
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5100 TEMPORARY POSITIONS		\$0	\$2,222	\$3,301	\$0	\$3,301	-\$3,301
5100150004	Temp Help (907)	\$0	\$2,222	\$3,301	\$0	\$3,301	-\$3,301
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5150 STAFF BENEFITS		\$0	\$43,660	\$124,544	\$0	\$124,544	-\$124,544
5108200000	Flex Elect Contributions	\$0	\$0	\$0	\$0	\$0	\$0
5150150000	Dental Insurance	\$0	\$723	\$2,170	\$0	\$2,170	-\$2,170
5150250000	Employee Assistance PGM Fee	\$0	\$18	\$34	\$0	\$34	-\$34
5150350000	Health Insurance	\$0	\$10,398	\$31,193	\$0	\$31,193	-\$31,193
5150400000	Life Insurance	\$0	\$15	\$45	\$0	\$45	-\$45
5150450000	Medicare Taxation	\$0	\$931	\$2,682	\$0	\$2,682	-\$2,682
5150500000	OASDI	\$0	\$3,842	\$11,262	\$0	\$11,262	-\$11,262
5150600000	Retirement - General	\$0	\$18,144	\$54,169	\$0	\$54,169	-\$54,169
5150750000	Vision Care	\$0	\$91	\$273	\$0	\$273	-\$273
5150800004	SCIF Allocation Cost	\$0	\$4,971	\$9,942	\$0	\$9,942	-\$9,942
5150820000	Other Post-Employment Benefits	\$0	\$2,062	\$5,382	\$0	\$5,382	-\$5,382
5150900000	Staff Benefits - Other	\$0	\$2,464	\$7,393	\$0	\$7,393	-\$7,393
PERSONAL SERVICES		\$0	\$111,038	\$319,040	\$0	\$319,040	-\$319,040
OPERATING EXPENSES & EQUIPMENT							
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5301 GENERAL EXPENSE		\$0	\$2,713	\$5,667	\$2,915	\$8,582	-\$8,582
5301100000	Clerical & Nonprofessional Svc	\$0	\$0	\$2,450	\$0	\$2,450	-\$2,450
5301100003	Fingerprint Reports	\$0	\$2,548	\$2,548	\$0	\$2,548	-\$2,548
5301350000	Freight and Drayage	\$0	\$0	\$76	\$1,424	\$1,500	-\$1,500
5301700000	Office Supplies - Misc	\$0	\$165	\$594	\$1,490	\$2,084	-\$2,084
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance

5302 PRINTING		\$0	\$1,554	\$1,554	\$16,227	\$17,781	-\$17,781
5302300000	Office Copiers - Maintenance	\$0	\$0	\$0	\$3,288	\$3,288	-\$3,288
5302700000	Pamphlets, Leaflets, Brochures	\$0	\$1,554	\$1,554	\$12,939	\$14,493	-\$14,493
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5304 COMMUNICATIONS		\$0	\$17	\$17	\$0	\$17	-\$17
5304220000	Central Communication - CALNET	\$0	\$17	\$17	\$0	\$17	-\$17
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5306 POSTAGE		\$0	\$9	\$25	\$0	\$25	-\$25
5306100000	Postage - General	\$0	\$0	\$16	\$0	\$16	-\$16
5306300000	Postage - Registered and Certi	\$0	\$9	\$9	\$0	\$9	-\$9
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5324 FACILITIES		\$0	\$6,355	\$19,066	\$0	\$19,066	-\$19,066
5324450000	Rent -Bldgs&Grounds(Non State)	\$0	\$6,355	\$19,066	\$0	\$19,066	-\$19,066
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
53402-53403 C/P SERVICES (INTERNAL)		\$0	\$11,598	\$24,761	\$0	\$24,761	-\$24,761
5340310000	Legal - Attorney General	\$0	\$11,598	\$24,761	\$0	\$24,761	-\$24,761
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
53404-53405 C/P SERVICES (EXTERNAL)		\$0	\$2,287	\$2,287	\$40,473	\$42,760	-\$42,760
5340420003	Subject Matter Experts	\$0	\$1,760	\$1,760	\$0	\$1,760	-\$1,760
5340420005	Credit Card Service Fee	\$0	\$527	\$527	\$40,473	\$41,000	-\$41,000
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5342 DEPARTMENT PRORATA		\$0	\$224,500	\$449,000	\$0	\$449,000	-\$449,000
5342500050	Division of Investigation DOI	\$0	\$74,000	\$148,000	\$0	\$148,000	-\$148,000
5342500055	Consumer Client Servs Div CCSD	\$0	\$150,500	\$301,000	\$0	\$301,000	-\$301,000
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5344 CONSOLIDATED DATA CENTERS		\$0	\$1,277	\$2,543	\$0	\$2,543	-\$2,543
5344000000	Consolidated Data Centers	\$0	\$1,277	\$2,543	\$0	\$2,543	-\$2,543
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5346 INFORMATION TECHNOLOGY		\$0	\$0	\$0	\$656	\$656	-\$656
5346320000	IT Services - Hardware Maint	\$0	\$0	\$0	\$624	\$624	-\$624
5346340000	IT Services - Software Maint	\$0	\$0	\$0	\$19	\$19	-\$19
5346800000	E-Waste Recycl & Disposal Fees	\$0	\$0	\$0	\$13	\$13	-\$13
Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5362-5368 EQUIPMENT		\$0	\$0	\$164	\$6,473	\$6,637	-\$6,637
5368015000	Communications Equipment	\$0	\$0	\$85	\$0	\$85	-\$85

5368025000	Computers & Computer Equipment	\$0	\$0	\$0	\$5,396	\$5,396	-\$5,396
5368095000	Miscellaneous Equipment	\$0	\$0	\$79	\$776	\$855	-\$855
5368930000	Software	\$0	\$0	\$0	\$301	\$301	-\$301
OPERATING EXPENSES & EQUIPMENT		\$0	\$250,309	\$505,084	\$66,745	\$571,828	-\$571,828
OVERALL TOTALS		\$0	\$361,347	\$824,124	\$66,745	\$890,869	-\$890,869

**3017 - Board of Occupational Therapy
Analysis of Fund Condition**

(Dollars in Thousands)

	ACTUAL 2018-19	Projected 2019-20	ACTUAL 2019-20	BUDGET ACT CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 2,004	\$ 2,203	\$ 2,203	\$ 1,867	\$ 1,744	\$ 1,995
Prior Year Adjustment	\$ 315			\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,319	\$ 2,203	\$ 2,203	\$ 1,867	\$ 1,744	\$ 1,995
 REVENUES AND TRANSFERS						
Revenues:						
4121200 Delinquent fees	\$ 30	\$ 37	\$ 36	\$ 42	\$ 48	\$ 48
4127400 Renewal fees	\$ 1,717	\$ 1,774	\$ 1,772	\$ 2,140	\$ 2,574	\$ 2,574
4129200 Other regulatory fees	\$ 41	\$ 53	\$ 53	\$ 41	\$ 41	\$ 41
4129400 Other regulatory licenses and permits	\$ 372	\$ 349	\$ 346	\$ 382	\$ 393	\$ 382
4143500 Miscellaneous services to the public	\$ 36	\$ 33	\$ 32	\$ 32	\$ 32	\$ 32
4163000 Income from surplus money investments	\$ 59	\$ 40	\$ 40	\$ 35	\$ 35	\$ 35
4171400 Escheat of unclaimed checks and warrants	\$ -	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
4173000 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 2,255	\$ 2,287	\$ 2,280	\$ 2,673	\$ 3,124	\$ 3,113
 Totals, Revenues and Transfers	\$ 2,255	\$ 2,287	\$ 2,280	\$ 2,673	\$ 3,124	\$ 3,113
 Totals, Resources	\$ 4,574	\$ 4,490	\$ 4,483	\$ 4,540	\$ 4,868	\$ 5,108
 EXPENDITURES						
Disbursements:						
1111 Department of Consumer Affairs Program Expenditures (State Operations)	\$ 2,151	\$ 2,396	\$ 2,494	\$ 2,569	\$ 2,646	\$ 2,725
9892 Supplemental Pension Payments	\$ 23	\$ 42	\$ 42	\$ 42	\$ 42	\$ 42
9900 Statewide General Administrative Expenditures (Pro Rata)	\$ 197	\$ 185	\$ 185	\$ 185	\$ 185	\$ 185
	\$ 2,371	\$ 2,623	\$ 2,721	\$ 2,796	\$ 2,873	\$ 2,952
 FUND BALANCE						
Reserve for economic uncertainties	\$ 2,203	\$ 1,867	\$ 1,762	\$ 1,744	\$ 1,995	\$ 2,156
 Months in Reserve	9.7		7.6	7.3	8.1	8.5

Notes: FY 2020-21 does reflect (second-stage) fee increase effective January 1, 2021.

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR BY + 1 AND ON-GOING
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR IN BY + 1 AND ON-GOING
- C. ASSUMES INTEREST RATE OF 1.5%

AGENDA ITEM 12(b)

UPDATE ON LEGISLATION.

Information on 2020 Legislation is attached for review.

2020 LEGISLATION INFORMATION

AB 71 (Melendez) Employment standards: independent contractors and employees.

Status: The author did not move this bill in 2020 and it is dead.

This bill would have modified existing law on the classification of workers as independent contractors by placing into statute the multifactor test existing prior to the decision in *Dynamex v. Superior Court* (2018) 4 Cal.5th 903. This bill would have preempted the *Dynamex* decision and codified the multifactor test for claims both related or unrelated to Work Orders.

AB 193 (Patterson) Professions and vocations.

Status: The author did not move this bill in 2020 and it is dead.

This bill would have required the Department of Consumer Affairs to review all licensing requirements under its jurisdiction, identify unnecessary licensing requirements, and report to the Legislature by January 1, 2023, and every two years thereafter, a final report due no later than January 1, 2033. This bill would have also required the Department to apply for federal funds granted to states to conduct licensing reviews, among other provisions.

AB 312 (Cooley) State government: administrative regulations: review.

Status: The author did not move this bill in 2020 and it is dead.

This bill would have required state agencies, including departments, boards, and bureaus, to do a one-time review of regulations and identify those that are duplicative, inconsistent, or out-of-date. The agencies would then have been required to repeal, reconcile, or eliminate those regulations and report their findings and actions to the Governor and Legislature by January 1, 2022.

AB 544 (Brough) Professions and vocations: inactive license fees and accrued and unpaid renewal fees.

Status: The author did not move this bill in 2020 and it is dead.

This bill would have limited the maximum fee for the renewal for an inactive license to no more than 50% of the renewal fee for an active license. This bill would also have prohibited a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.

AB 1263 (Low) Contracts: consumer services: consumer complaints.

Status: This bill failed passage and is dead.

This bill would have prohibited a Department of Consumer Affairs licensee from limiting a consumer's right to file a complaint with a licensing board or participate in an investigation into the licensee by the licensing board. A violation would have constituted unprofessional conduct subject to discipline by the licensing board. The provisions of this bill were amended into SB 1474 (Business, Professions and Economic Development Committee, Chapter 312, Statutes of 2020).

AB 1271 (Diep) Licensing examinations: report.

Status: The author did not move this bill in 2020 and it is dead.

This bill would have required the Department of Consumer Affairs to prepare and submit a study to the Legislature, by January 1, 2021, containing information on (1) whether licensure requires completion of a board-approved training program, (2) whether licensure requires passage of a written or clinical licensing exam, (3) the exam fee that is required in addition to other application fees, (4) the average length of time between submitting a licensure application and taking a licensing exam, (5) the average passing rate of the licensing exam, and (6) the percentage of annual applicants who never become licensed due to exam failure.

AB 1616 (Low) Department of Consumer Affairs: boards: expunged convictions.

Status: This bill failed passage and is dead.

This bill would have required programs under the Department of Consumer Affairs that post information on its website about a revoked license due to a criminal conviction to update or remove information about the revoked license within 90 days of the board receiving an expungement order related to the conviction. The person seeking the change would have been required to pay to the board a fee designed to cover the administrative costs of these requirements.

AB 1592 (Bonta) Athletic trainers.

Status: The author did not move this bill in 2020 and it is dead.

This bill would have created, until January 1, 2028, the California Board of Athletic Training within the Department of Consumer Affairs under which athletic trainers licensed by the Board could practice under the supervision of licensed physicians. Among other provisions, this bill provided title protection and practice restrictions.

AB 1665 (Bonta) Athletic trainers.

Status: This bill failed passage and is dead.

This bill would have enacted the Athletic Training Practice Act, for purposes of licensing and regulating athletic trainers and establishing the California Board of Athletic Training within the Department of Consumer Affairs. The provisions of this bill would have sunset on January 1, 2028.

AB 1850 (Gonzalez) Worker classification: employees and independent contractors.

Status: This bill failed passage and is dead.

This bill was one of the vehicles to address *Dynamex Operations W. v. Superior Court* (2018), 4 Cal.5th 903 and AB 5 (Gonzalez, Chapter 296, Statutes of 2019) clean-up. This bill would have revised certain criteria governing the classification of employees and exempted specified occupations from the legal test formulated in AB 5 and the *Dynamex* decision. Newly exempted professions would have been subject to the multifactor test from *S.G. Borello & Sons v. Department of Industrial Relations* (1989), 48 Cal.3d 341.

AB 1911 (Maienschein) State agencies: veterans.

Status: The author did not move this bill and it is dead.

This bill would have required state agencies to include a question on intake forms, such as licensing applications, that allows a person to indicate whether they or a family member served in the military. State agencies would have been required to share the responses with the California Department of Veterans Affairs, as specified.

AB 2004 (Calderon) Medical test results: verification credentials.

Status: Vetoed.

This bill would have created a working group responsible for developing methods, using a verifiable credential model, that provides private and portable access to COVID-19 test results or other medical test results. This bill would have also specified that the Department of Consumer Affairs must maintain sole jurisdiction over the authorization of health care providers for issued verifiable health credentials and required the Department, in consultation with the working group, to establish procedures and develop and maintain a verifiable issuer registry.

AB 2028 (Aguiar-Curry) State agencies: meetings.

Status: This bill failed passage and is dead.

This bill would have deleted an exception in existing law that allows state bodies to forego public comment on items that have already been afforded a public comment period at a prior committee meeting. The state body would have been required to provide the public an opportunity to comment on all agenda items at a board meeting, regardless of whether it had been discussed previously at a committee meeting.

AB 2113 (Low) Refugees, asylees, and special immigrant visa holders: professional licensing: initial licensure process.

Status: *Signed by the Governor. Chaptered by Secretary of State - Chapter 186, Statutes of 2020.*

This bill requires programs within the Department of Consumer Affairs to assist and expedite the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. This bill specifies that it will not change existing licensure requirements and that a person applying for expedited licensure will be required to meet all applicable statutory and regulatory licensure requirements. This bill also authorizes the Department's programs to adopt regulations necessary to administer these provisions.

AB 2185 (Patterson) Professions and vocations: applicants licensed in other states: reciprocity.

Status: This bill failed passage and is dead.

This bill would have required each program at the Department of Consumer Affairs to issue a license to an applicant if the applicant holds an out-of-state license in good standing in the discipline and practice level and if the applicant meets certain requirements, including, but not limited to, holding the out-of-state license for the past three of five years.

AB 2214 (Carrillo) Administrative Procedure Act: notice of proposed action.

Status: The author did not move this bill and it is dead.

This bill would have required a state agency, including programs within the Department of Consumer Affairs, to conspicuously post specified regulatory documents on its website within 24 hours of submitting a proposed action to the Office of Administrative Law.

AB 2410 (Cunningham) Athletic trainers.

Status: This bill failed passage and is dead.

This bill would have made it unlawful for a person to hold themselves out as an athletic trainer, or use the title of athletic trainer, unless specified requirements are met.

AB 2438 (Chau) California Public Records Act: conforming revisions.

Status: The author did not move this bill and it is dead.

This bill would have adjusted statutory cross-references with respect to the California Public Records Act so that the cross-references conformed to the Act's new statutory scheme established by AB 2138 (Chau, 2020).

AB 2506 (Irwin) State of California Housing Agency Act.

Status: The author did not move this bill and it is dead.

This bill would have enacted the State of California Housing Agency Act and in doing so it would have separated the Business, Consumer Services and Housing Agency into the Business and Consumer Services Agency and the Housing Agency.

AB 2549 (Salas) Department of Consumer Affairs: temporary licenses.

Status: This bill failed passage and is dead.

This bill would have required the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the State Board of Barbering and Cosmetology, the Board of Psychology, the California Board of Occupational Therapy, the Physical Therapy Board of California, and the California Board of Accountancy to issue temporary licenses to applicants who meet certain specified requirements, including that the applicant supplied satisfactory evidence that they are married to, or are in a domestic partnership or other legal union with, an active duty member of the United States Armed Forces who is stationed in California under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board.

AB 2631 (Cunningham) License fees: military partners and spouses.

Status: The author did not move this bill and it is dead.

This bill would have required programs within the Department of Consumer Affairs to waive initial or original licensing fees for spouses and domestic partners of active duty military members, as specified.

AB 2978 (Ting) Department of Justice: arrest and conviction records: review.

Status: The author did not move this bill and it is dead.

Pursuant to AB 1076 (Ting, Chapter 578, Statutes of 2019), the Department of Justice is required, beginning January 1, 2021, to review statewide criminal justice databases and identify individuals who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or criminal conviction records, withheld from disclosure or modified. Current law provides that individuals are eligible for this relief, among other criteria, if the arrest or conviction occurred on or after January 1, 2021. This bill would instead have required the arrest or conviction to have occurred on or after January 1, 1973.

AB 3045 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Status: This bill failed passage and is dead.

This bill would have required certain programs within the Department of Consumer Affairs to issue licenses to veterans and active duty military spouses and domestic partners who hold active licenses in other jurisdictions, as specified.

SB 873 (Jackson) Gender: discrimination: pricing.

Status: The author did not move this bill and it is dead.

This bill would have prohibited a business establishment from discriminating against a person because of a person's gender by charging a different price for any two consumer products from the same manufacturer that are substantially similar.

SB 878 (Jones) Department of Consumer Affairs: license: application: processing timeframes.

Status: Signed by the Governor. Chaptered by Secretary of State - Chapter 131, Statutes of 2020.

Beginning July 1, 2021, this bill will require each board and bureau within the Department of Consumer Affairs, that issues licenses, to prominently display on their websites, and update on a quarterly basis, either (1) the current average timeframe for processing initial and renewal license applications on its website, or (2) the combined current average timeframe for processing both initial and renewal license applications. This bill will also require each board or bureau to post on their websites, and update on a quarterly basis, either (1) the current average processing timeframe for each licensing type administered by the program, or (2) the combined current average timeframe for processing all licensing types administered by the program.

SB 926 (Hill) Business: retail locations: cash payments.

Status: This bill failed passage and is dead.

This bill would have mandated that retail locations, as defined, accept cash as a form of payment and that the Director of the Department of Consumer Affairs enforce this requirement. This bill was subsequently amended to remove the Department from the scope of the bill, though it still failed passage.

SB 937 (Hill) State agencies: web accessibility.

Status: The author did not move this bill and it is dead.

This bill would have authorized a state agency to temporarily remove public documents from digital access if a justifiable impediment exists, the Director of Technology verifies the impediment prohibits full compliance, and the state agency complies with various requirements, including, but not limited to, citing the reason for the document's removal and listing options and instructions for how to access the document offline.

SB 1045 (Bradford) Criminal records: sealing.

Status: The author did not move this bill and it is dead.

This bill would have allowed a person, who has had their conviction set aside and dismissed, to petition to have their arrest and related records sealed.

SB 1168 (Morrell) State agencies: licensing services.

Status: This bill failed passage and is dead.

This bill would have required state agencies that issue business and professional licenses to expedite licensing services for individuals or businesses displaced or that experienced economic hardship due to an emergency, as specified.

SB 1324 (Allen) Professional licenses.

Status: The author did not move this bill and it is dead.

This bill would have required the Department of Consumer Affairs, among other stated entities, to place a prominently displayed military licensure icon or hyperlink on its website that is linked to information about each occupational program for licensure or certification that it administers, along with additional information relating to the professional licensure of veterans, service members, and their spouses. This bill would have also required the Department of Consumer Affairs to submit an annual report to the Legislature based on information collected pursuant to this proposal.

SB 1474 (Business, Professions and Economic Development Committee) Business and professions.

Status: *Signed by the Governor. Chaptered by the Secretary of State – Chapter 312, Statutes of 2020.*

This bill 1) provides a one-year sunset extension for the following Department programs that were undergoing the sunset review process prior to COVID-19: Board of Barbering and Cosmetology, Board of Behavioral Sciences, Board of Psychology, Board of Vocational Nursing and Psychiatric Technicians, Bureau for Private Postsecondary Education, Bureau of Real Estate Appraisers, California State Board of Pharmacy, Physician Assistant Board, Podiatric Medical Board of California, and the Veterinary Medical Board; 2) extends the operations for the following Department programs until **January 1, 2023**: Board of Chiropractic Examiners, Naturopathic Medicine Committee, **Board of Occupational Therapy**, Respiratory Care Board, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board; 3) clarifies that registered dental hygienists may perform any procedure or service within the scope of practice if the appropriate education and training has

been completed; 4) requires the Dental Hygiene Board to grant initial licensure to any applicant who within the preceding three years has satisfactorily completed the appropriate examinations, instead of the preceding two years in existing law; 5) clarifies the education a registered dental hygienist in alternative practice must possess to be issued a license; 6) prohibits the Contractors' State License Board from releasing any deposit to anyone for any purpose except as determined by a court and requires that deposits be distributed to all claimants in proportion to the amount of their claims if the deposit is insufficient to pay in full all claims; 7) requires the Contractors' State License Board to retroactively grant license renewal if a licensee submits an application within 90 days of the license expiration and pays all required fees; 8) prohibits contracts from limiting a consumer's ability to make complaints to a licensing board or from participating in an investigation of a licensee; and 9) makes several other nonsubstantive or technical changes.

AB 2130 (Arambula) Health care professionals: underserved communities.

Status: The author did not move this bill and it is dead.

This was a spot bill that declared the Legislature's intent to increase the number of health care professionals in underserved communities.

AB 2411 (Nazarian) Healing arts licensees: remuneration: drug or device companies: disclosure.

Status: The author did not move this bill and it is dead.

This bill would have required a healing arts licensee who receives remuneration from a drug or device company to disclose the amount and source orally and in writing to each patient before the intended use or prescription of a drug or device manufactured or distributed.

AB 2520 (Chiu) Access to medical records.

Status: *Signed by the Governor. Chaptered by the Secretary of State – Chapter 101, Statutes of 2020.*

This bill requires, among other provisions, health care providers to assist in the completion of forms, relevant to a patient receiving public benefits, at no extra charge to the patient. This bill also entitles a nonprofit legal services entity representing a patient to receive a copy of the relevant portion of the patient's records that are needed to support a claim regarding eligibility for specified public benefit programs. Additionally, this bill expands the number of public benefit program applications that qualify for free medical records.

AB 2704 (Ting) Healing arts: licensees: data collection.

Status: The author did not move this bill and it is dead.

This bill would have standardized the licensee demographic data that must be collected by all healing arts boards. Several board-specific data collection requirements would have been repealed. Aggregate information collected would have been required to be posted on each board's website and provided to the Office of Statewide Health Planning and Development.

AB 3298 (Brough) Frauds of medical credentials: penalty.

Status: The author did not move this bill and it is dead.

This bill would have increased the maximum fine from \$6,000 to \$10,000 for certain types of healing arts license fraud, including selling or offering to sell a healing arts degree or diploma, making false statements as part of an application, or violating the security of an examination.

SB 275 (Pan) Health Care and Essential Workers: personal protective equipment.

Status: *Signed by the Governor. Chaptered by the Secretary of State – Chapter 301, Statutes of 2020.*

This bill, among other requirements, requires specified health care employers to maintain a stockpile of unexpired personal protective equipment for use in the event of a state of emergency declaration by the Governor, or other similar health emergency. The unexpired stockpile must be sufficient for 45 days of surge consumption, as determined by regulations that would be established by the Department of Industrial Relations, and would become effective January 1, 2023, or one year after the adoption of the regulations, whichever is later. Health care employers are required to provide personal protective equipment to their health care workers upon request.

SB 803 (Beall) Mental health services: peer support specialist certification.

Status: *Signed by the Governor. Chaptered by Secretary of State - Chapter 150, Statutes of 2020.*

Previously, this bill contained intent language to create a peer support specialist certification program administered by the Department of Consumer Affairs. This bill was amended during the legislative process to instead place this program under the Department of Health Care Services.

SB 1097 (Durazo) Medical services: credit or loan.

Status: The author did not move this bill and it is dead.

This bill would have strengthened provisions included in SB 639 (Mitchell, Chapter 856, Statutes of 2019) that, among other things, barred healing arts licensees from charging treatment or costs to an open-end credit or loan that is extended by a third party and that is arranged for, or established in, that licensee's office more than 30 days before treatment. This bill would have prohibited such loans regardless of if they were arranged for, or established in, the licensee's office.

AGENDA ITEM 12(c)

PRESENTATION OF LICENSING AND ENFORCEMENT DATA.

The following are attached for review:

- Licensing data for the period July 1 – September 30, 2020.
- Enforcement data for the period July 1 – September 30, 2020.
- Citation data for the period July 1 – September 30, 2020.
- Current list of Probationers.

**CA Board of Occupational Therapy
Applications Data: July 1, 2020 – Sept 30, 2020**

License Type	Transaction Type	July		Aug		Sept		Total Received 1Q	Total Approved 1Q	Average Received per	Average Approved per Month
		Received	Approved	Received	Approved	Received	Approved	Received	Approved	Received	Approved
1020-7101	Initial OT License Apps	119	141	146	109	80	103	345	353	115	118
1020-7102	OT-Limited Permit Apps	4	4	18	3	23	25	45	32	15	11
1020-7103	Initial OTA License Apps	29	32	29	35	27	32	85	99	28	33
1020-7104	OTA-Limited Permit Apps	0	0	3	0	1	3	4	3	1	1
1021-7101	OT License Issued	134	136	103	102	101	99	338	337	113	112
1021-7102	OT Limited Permit Issued	2	1	2	3	18	17	22	21	7	7
1021-7103	OTA License Issued	25	25	36	36	36	36	97	97	32	32
1021-7104	OTA Limited Permit Issued	0	0	0	0	2	2	2	2	1	1
5001	A/P – Hand Therapy	3	5	2	2	3	3	8	10	3	3
5002	A/P – PAMs	7	8	13	8	8	13	28	29	9	10
5003	A/P - Swallowing	5	4	6	4	1	3	12	11	4	4
8005	Set Inactive to Active	6	5	4	5	0	0	10	10	3	3
8010	Name Changes	17	22	10	11	17	14	44	47	15	16
8020	Address Changes	306	309	291	291	302	302	899	902	300	301
8030	Verifications	100	105	78	67	78	86	256	258	85	86
8051	Set to Retired	13	14	14	12	9	10	36	36	12	12
8052	Set Retired to Active	2	1	1	2	1	1	4	4	1	1
Totals		772	812	756	690	707	749	2,235	2,251	745	750
License Type	Transaction Type	July		Aug		Sept		Total Renewed 1Q		Average Renewed per Month	
2020-7101	OT Renewals		655		533		661	1849		616	
2020-7103	OTA Renewals		126		120		153	399		133	
Totals			781		653		814	2248		749	

BOT ENFORCEMENT STATISTICAL REPORT
July 1, 2020 – September 30, 2020

Total Complaints Received:	260	DOI Investigations Initiated:	8
Conviction/Arrest Investigations:	18	DOI Investigation Reports Received:	2
Complaints:	242	Formal DOI Investigations Pending:	13
Complaints-Closed:	193		
Applications Denied per BPC 480/485:	0		
Total Complaints-Pending:	396		
Cases Pending with Attorney General (AG):	24		

<u>Transmitted</u>	<u>Case</u>	<u>Complaint No</u>	<u>Type</u>	<u>Current Status</u>
02/24/17	17-000253	ACC	Accusation	10/19/18; Board remands to ALJ; hearing 10/1/20
07/26/17	16-000002	ACC	ACC	AGO to draft Accusation; holding for federal sentencing
10/18/19	19-000484	ACC	ACC	Accusation 6/11/20; NOD rec'd 6/23/20; hearing 11/24/20
12/19/19	19-000454	PTC	PTC	Pet to Compel 3/5/20; Evaluator's Report rec'd 7/16/20
01/08/20	19-000439	ACC	ACC	Accusation 3/5/20; NOD rec'd 4/7/20; Hearing 1/15/21
01/13/20	1002158277	ACC	ACC	Accusation 6/8/20; NOD rec'd 6/26/20
01/13/20	1002163983	ACC	ACC	Accusation 6/8/20; NOD rec'd 6/23/20
01/28/20	20-000451	PTR	PTR	Pet to Revoke 4/30/20; NOD rec'd 5/8/20; Hearing 12/28/20
03/09/20	19-000133	ACC	ACC	Accusation 4/7/20; NOD rec'd 4/21/20; Hearing 11/9/20
04/10/20	19-000310	ACC	ACC	Accusation 7/15/20; No NOD; Default Revocation eff 10/5/20
05/11/20	20-000528	ACC	ACC	Accusation 7/30/20; NOD rec'd 8/31/20
05/20/20	20-000531	ACC	ACC	Accusation 7/30/20; NOD rec'd 8/7/20
05/20/20	20-000598	ACC	ACC	Accusation 9/1/20; Withdrawn 10/1/20-Resp deceased
05/25/20	20-000037	ACC	ACC	Accusation 8/4/20; No NOD; Default Revocation eff 10/5/20
06/15/20	20-000690	PTR	PTR	Pet to Revoke 8/19/20, NOD rec'd 9/4/20
06/19/20	19-000069	ACC	ACC	AGO to draft Accusation
06/24/20	20-000592	ACC	ACC	Accusation 9/14/20
06/24/20	17-000336	ETP	ETP	Pet for Early Term Probation Granted-Decision mailed??
06/25/20	20-000549	ACC	ACC	AGO to draft Accusation
07/14/20	20-000575	ACC	ACC	Accusation filed 9/11/20; NOD rec'd 9/18/20; Hearing TBS
07/14/20	20-000576	ACC	ACC	Staff reviewing draft Accusation
07/15/20	20-000594	ACC	ACC	AGO to draft Accusation
07/15/20	20-000599	ACC	ACC	AGO to draft Accusation
07/28/20	20-000067	PTR	PTR	AGO to draft Pet to Revoke Probation

Accusations filed:	8	Statement of Issues filed:	0
Case(s) Withdrawn:	2	Case(s) Dismissed	0
PC23 Issued:	0	ISO Issued:	0
Petition to Revoke Probation (PTR) filed:	1	Accusation & PTR filed:	0
Cease Practice Orders Issued:	0	Cease Practice Orders Lifted:	0

(Final Decisions on next page)

Final Decisions: 3

<u>Effective</u>	<u>Name</u>	<u>Type</u>	<u>Complaint Received/Opened</u>
07/16/20	Wilson, Candice	Probation-3 years'	01/24/2018
<i>Failed to Comply with Citation Order to remediate 14 PDUs for renewal audit</i>			
09/27/20	Schwartz, Ken	Surrender	03/03/2017
<i>Unprofessional Conduct; Fraudulent Dishonest or Corrupt Act; Falsify or Make Grossly Incorrect Entries in Client Record</i>			
10/05/20	Peterson, Taylor	Revocation (Default)	08/06/2019
<i>Conviction of Crime/DUI</i>			

**OT CITATIONS
07/01/2020 - 09/30/2020**

#	VIOLATION								FINE (OT)	FINE REDUCED	TOTAL FINE DUE (OT)	DATE ISSUED	APPEAL RECEIVED		PAYMENT					
	FDC	FTC	UPC	CC	ULP	PDU	ADC	OTHER					ICR	ADMIN	Dismissed	Withdrawn	Pymnt Date	Paid in Full	Pymnt Amnt	Balance (OT)
1						1			\$100	\$0	\$100	08/12/20					08/28/20	1	\$100	\$0
1						1			\$400	\$0	\$400	08/12/20							\$0	\$400
1						1			\$100	\$0	\$100	08/13/20					08/18/20	1	\$100	\$0
1						1			\$400	\$0	\$400	08/13/20					08/17/20	1	\$400	\$0
1						1			\$685	\$0	\$685	09/08/20							\$0	\$685
1						1			\$600	\$0	\$600	09/24/20							\$0	\$600
1					1				\$600	\$0	\$600	09/24/20							\$0	\$600
7	0	0	0	0	1	6	0	0	\$2,885	\$0	\$2,885		0	0	0	0		3	\$600	\$2,285

Violation Key:

FDC - Failure to Disclose Criminal Conv. ULP - Unlicensed Practice
 FTC - Failure to Cooperate PDU - Continuing Education
 UPC - Unprofessional Conduct ADC - Failure to Notify of Address Change
 CC - Criminal Convictions OTHER (Advanced Practice, Neglegence, ect.)

OTA CITATIONS
07/01/2020 - 09/30/2020

#	VIOLATION								FINE (OTA)	FINE REDUCED	TOTAL FINE DUE (OTA)	DATE ISSUED	APPEAL RECEIVED		PAYMENT				
	FDC	FTC	UPC	CC	ULP	PDU	ADC	OTHER					ICR	ADMIN	Dismissed	Withdrawn	Pymnt Date	Paid in Full	Pymnt Amnt
1					1				\$250	\$0	\$250	09/08/20						\$0	\$250
1							1		\$85	\$0	\$85	09/11/20						\$0	\$85
1							1		\$85	\$0	\$85	09/23/20						\$0	\$85
3	0	0	0	0	1	0	2	0	\$420	\$0	\$420		0	0	0	0		\$0	\$420

Violation Key:

FDC - Failure to Disclose Criminal Conv. ULP - Unlicensed Practice
 FTC - Failure to Cooperate PDU - Continuing Education
 UPC - Unprofessional Conduct ADC - Failure to Notify of Address Change
 CC - Criminal Convictions OTHER (Advanced Practice, Neglegence, ect.)

Practitioners Currently on Probation or Other Court Orders

NAME	LICENSE #	LENGTH OF PROBATION	EFFECTIVE DATE
Alvarado, Francisco	OT 4563	3 years	09/19/19
Campbell, Steven	OTA 183	3 years	07/26/19*
Chitwood, Kerry	OT 1396	3 years	03/29/19*
Cirigliano, Michelle	OT 12033	3 years	05/14/19*
Clapham, Seanti J	OT 16846	3 years	01/26/18
Deras, Carlos	OTA 3975	3 years	12/17/18*
Dowd, Joshua	OT 18574	3 years	03/27/18*
Edwards, Anna	OTA 2453	3 years	04/26/19*
Egler, Daniel	OT 6601	3 years	03/28/19*
Ganoza, Daniel	OT 6921	3 years	03/28/19
Gerking, Lisa	OT 8787	2 years	05/18/20
Jennings, Michael	OT 16913	3 years	09/06/18*
Kelley, Anjuli	OT 11186	3 years	01/16/14*
McKee, Rondelle	OT 10512	5 years	06/22/20*
Minnis, Krista J	OT 1542	3 years	01/26/18
Oliver, Patricia	OT 6986	3 years	10/28/16*
Powell, Diana C.	OT 6367	3 years	06/03/16*
Schmidt, Rebecca	OT 8291	3 years	11/27/09 *
Shin, Judy	OT 5682	4 years	12/02/19
Suggs, Monica	OTA 1101	2.5 years	03/30/19
Tolbert, Kristine	OT 4410	4 years	03/29/19*
Wilson, Candice	OTA 1436	3 years	07/16/20

* Probation "tolled" or extended beyond original expiration date.

Report prepared 10/16/20

AGENDA ITEM 12(d)

FUTURE AGENDA ITEMS.

AGENDA ITEM 12(e)

OTHER INFORMATIONAL ITEMS.

The following are attached for review:

- Upcoming Sunset Review Schedule
- COVID-19: Survivor's Story

DCA Boards and Bureaus: Sunset Review Schedule

2020	2021	2022	2023
Postponed due to COVID19	Board of Behavioral Sciences	Acupuncture Board	California Board of Accountancy
	Bureau of Real Estate Appraisers	Bureau of Automotive Repair	California Architects Board (Landscape Architects Technical Committee)
	California Massage Therapy Council	Dental Hygiene Committee of California	California State Athletic Commission
	Pharmacy Board	Bureau of Electronic, Appliance Repair, Home Furnishings and Thermal Insulation	Cemetery and Funeral Bureau
	Physician Assistant Board	Professional Fiduciaries Bureau	Contractors State License Board
	Podiatric Medicine Board	Structural Pest Control Board	Dental Board of California
	Bureau for Private Postsecondary Education	State Board of Chiropractic Examiners	Board for Engineers, Land Surveyors and Geologists
	Psychology Board	Naturopathic Medicine Committee	Bureau of Security and Investigative Services
	Veterinary Medical Board	California Board of Occupational Therapy	Court Reporters Board
	Board of Vocational Nursing and Psychiatric Technicians	Physical Therapy Board of California	
	Board of Barbering and Cosmetology	Respiratory Care Board	
	Board of Registered Nursing	Speech-Language Pathology, Audiology, Hearing Aid Dispensers Board	
	Medical Board of California		
	State Board of Optometry (Registered Dispensing Opticians)		
	Osteopathic Medical Board of California		

* Sunset report prepared by the program is due to the Legislature the year before the scheduled review.

COVID-19: Survivor's Story
California man shares struggles, smiles and gratitude for licensees helping him recover

Cheri Gyuro

Paul Cantelli's radiant smile could be seen through his mask as his arms swung back and forth with his feet pounding on a treadmill. His breathing was somewhat labored but sounded normal for someone exercising.

He has worn that smile throughout a harrowing experience, and every breath he takes, is precious music to his ears. Cantelli's drive and determination to walk is a testament to his fight against the forces that once brought him down: COVID-19.

"It's an invisible bullet," he said.

In the Hospital

The scene was much different for Cantelli back in March 2020. The sound of a ventilator pumping oxygen into his lungs hummed as he lay nearly lifeless in a Northern California hospital for two months.

"I was in a medically-induced coma," he said. "The nurses had to flip me every [few] hours. I lost 50 pounds, 50 % of my muscle mass—it was just bone. My family couldn't come and see me. I almost didn't make it," he said, fighting back the tears.

But he did make it. Paul Cantelli fought the biggest battle of his life and won.

The 63-year-old from Sacramento unknowingly contracted COVID-19 long before lockdowns, mask requirements and physical distancing was even considered, much less ordered across the state. Cantelli's wife and daughter had the virus too, but his symptoms were far worse. It started with a fever that quickly turned to shortness of breath. After his blood oxygen level went from 92 to 65 using an at-home pulse oximeter, he went straight to the hospital in an ambulance.

"The nurses and doctors were all in hazmat suits; they would flip me over and try to snap me out," he said.

Doctors told Cantelli's wife that, after 21 days on a ventilator, a patient's odds of survival diminish. On day 40, medical professionals suggested his family think about getting his affairs in order.

When it was time, his family tried to wake him out of the coma by talking to him via video calls. Nurses were constantly showing him pictures and posters of his friends and family. "They would try to get me to look at the poster and would say 'Hey, this is what you are fighting for,'" said Cantelli.

Miraculously, on day 46, he was out of the coma, off the ventilator, and breathing on his own. Although he was technically out of the woods, his body and mind atrophied. He shriveled down to skin and bones, his cognitive skills were in a fog, and he still relied on a tank of oxygen. Cantelli was alive, but his quality of life had diminished.

“I couldn’t open a bottle of water; I couldn’t walk four steps; I had no more lung capacity, no more strength in my legs; all my muscles were gone,” he said. “It stopped me from doing what I could do, and I don’t know what it’s going to do to me in the future.”

Health Care Team Supports a Fighting Spirit

It was Cantelli’s fighting spirit that the COVID-19 virus was unable to touch.

“Paul was admirable in that regard: Whatever magical motivation that he has to have the positive outlook to work hard day after day despite being as sick as he was, dealing with all of the issues he did during his recovery ... if I could find a way to bottle that up and give it to everyone I take care of, I will,” said Dr. Jeremy Wren, a doctor of osteopathy, who oversaw Cantelli’s rehabilitation phase between his hospital stay and going home.

Cantelli’s allies in the fight against COVID-19 are the dozens of medical and mental-health professionals. Most are licensed through Boards and Bureaus under the California Department of Consumer Affairs. Like Dr. Wren, these health care providers consistently wrap him with the support he needs to keep his lighthearted spirit, powerful drive, and full-body health and function going. Those helping Cantelli make a full recovery after battling COVID-19—from his diagnosis to today—include:

- Doctors
- Registered Nurses
- Licensed vocational nurses
- Physical therapists
- Occupational therapists
- Speech-language pathologists
- Respiratory care therapists
- Psychologists
- Imaging specialists
- Medical assistants
- Lab specialists and technicians
- Hospital workers

Post-Hospital Therapy

Achieving what’s become almost a new life hasn’t been easy for Cantelli. Before his COVID-19 diagnosis, he ran half-marathons with an 8.59-minute average per mile, played golf, skated, and snow-skied. He had no restrictions before, but after he left the

hospital, he felt as if he lost his dignity having to do things like a five-year-old child. He could barely speak after a tracheotomy that also left a nasty scar on his throat.

“My daughter said she didn’t think she’d ever hear my voice again: It’s crazy,” said Cantelli with a long pause, a gulp, and a smile of victory.

“He was a very go-go-go guy, so it’s hard to go from go-go-go to having these new deficits,” said Cantelli’s occupational therapist, Rebecca Covington, OTR-L. She spent weeks with Cantelli, who was on supplemental oxygen when she first saw him in May 2020. She helped him relearn how to get dressed, use the bathroom and shower, prepare a meal, do the laundry, and even open that darn bottle of water, eventually performing all tasks breathing without an oxygen tank.

“The strategies we were teaching him is monitoring his oxygen saturation, figuring out what his limits were when he needed to take a rest break during tasks, when he could push himself further,” Covington said.

Each healthcare provider and licensed professional played a specific role in helping Cantelli re-gain his abilities.

Cantelli’s physical therapist doctor, Alyssa Breslin, said his drive and determination sometimes went overboard as she worked with him to improve his balance and ability to walk while practicing mindfulness exercises to reduce anxiety.

“He is a go-getter, so kind of having him listen to his body tell him ‘I need to stop, and I need to really take a break,’ [was important]” said Breslin. “He wanted to push himself so far.” Push himself he did, from barely able to take four steps to 40 minutes on the treadmill and nearly 6 miles of walking and jogging every day.

A Personal Goal

Shortly before he contracted COVID-19, Cantelli landed a prestigious position as a senior account manager for Dell Technologies. The new job was set to start a little more than two months from the time he ended up in the hospital.

Cantelli wasn’t about to let the world’s scariest illness stop him from making it to his first day on the job. Enter Hannah Lee, Cantelli’s speech-language pathologist, and Caron Nogen, his psychologist, who both implemented strategies to help him achieve that goal.

“We did spreadsheets, we did budgets, worked on different reasoning—things that we encounter on a day to day basis,” said Lee. Part of her job as a speech-language pathologist is to work with patients to improve their cognitive skills.

For Nogen, helping Cantelli retain the charismatic personality that many of his caretakers grew to love and appreciate became her main focus of therapy as a

psychologist. His drive to conquer his disdain for the disease through resiliency, gratitude, and hope is what impressed Nogen the most.

“The way that I was able to help him was to celebrate the small victories. It’s difficult to be like ‘Oh, you mean it’s a victory that I actually got up and took three steps today?’ I remember one day working with him and him saying something like ‘I won the lottery today!’ ‘What do you mean you won the lottery today?’ ‘I was vertical.’ [he replied] So, he naturally kind of had that in him,” Nogen said.

Life as a COVID-19 Survivor Today

Surviving a horrible disease that has caused a worldwide pandemic motivated Cantelli to continue with his rehab by working with a respiratory care therapist twice a week.

“When you start to have that oxygen level drop, that’s when exercise goes from being a good stress to a bad stress,” Ken Norlen, RT, told Cantelli as he walked the treadmill during one of his pulmonary therapy sessions.

Norlen uses a pulse oximeter to measure Cantelli’s oxygen levels and uses weights to increase his endurance. Norlen has noticed Cantelli’s passion to improve at a fast pace can sometime hinder his progress.

“When you exercise past a certain point when you have damage to the lung tissue, it can make it so that your body doesn’t process the oxygen the way it’s supposed to. So, we have to find that spot where he can get up to a certain level and not take the oxygen out of his body,” Norlen said.

A Request and Message of Hope

If you look at Paul Cantelli today, you’d never know about the nightmare he endured and the devastating toll COVID-19 took on his body. He holds himself up with pride as a picture of good health.

Cantelli would like to use his experience as an example of why it’s important for people to listen to their health care providers who stress the importance of protection against COVID-19.

“This is a war that everybody can help win. All you have to do is wash your hands, keep your distance, and put your mask on, that’s it! If you don’t like wearing a mask, try a ventilator,” he said.

Cantelli is also striving to channel his positive, enduring spirit by becoming a peer counselor for other COVID-19 survivors. He’s willing to speak with anyone who needs support and encourages them to persevere.

“If I could put on a cape and take it all on, I would so they won’t have to,” he said. “It’s very important for people to talk about it and bounce some ideas off—and maybe I’ll bring some of those bad dad jokes. I have to get them to smile a little bit,” Cantelli said.