

## **AGENDA ITEM 4**

### **Review of draft 2021 Sunset Report.**

Portions of the 2021 Sunset Report are attached for review.

# CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of XXXXXX 2021

### Section 1 – Background and Description of the Board and Regulated Profession

The occupational therapy profession was established in 1917, and is one of the oldest allied health professions in the United States. Chapter 697/00 (SB 1046) created the California Board of Occupational Therapy, effective January 1, 2001. The Board is responsible for the licensure and regulation of Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs) in California. The Board's mission is to regulate occupational therapy by serving and protecting California's consumers of occupational therapy services through effective regulation, licensure a.

California passed a title control /trademark law for occupational therapy in 1977 Business and Professions Code (BPC), Section 2570, Ch. 836), prohibiting individuals from using the professional titles recognized for Occupational Therapist (OT, OTR) and Occupational Therapy Assistants (OTA, COTA) without appropriate professional training/education. The law was updated in 1993 (BPC, Ch. 361) to further clarify the minimum education and examination requirements for practicing occupational therapists and occupational therapy assistants. The law had no registration process with the state or enforcement structure, nor did it prevent an unqualified individual from practicing occupational therapy as long as the individual did not refer to himself as an Occupational Therapist or Occupational Therapy Assistant.

Occupational therapy licensees provide important health and rehabilitation services to people of all ages, who, because of illness, injury, or developmental or psychological impairment, need specialized interventions to regain, develop, or build the skills necessary for independent functioning.

**The use of 'occupations' (the foundation of occupational therapy) are activities in which clients/patients engage and occur throughout the life span, including many elements that enhance ones quality of life, including:**

- **Activities of daily living or 'self-care' activities;**
- **Instrumental activities of daily living or activities to support independent living or daily life within the home and community**
- **Work or activities for engaging in employment or serving as a volunteer;**
- **Play or activities pursued for enjoyment or diversion;**

- Leisure or discretionary rewarding activities; and
- Social participation or the ability to exhibit behaviors and characteristics expected during interaction with others within a social system.

Within their domain of practice (or focus of occupational therapy), occupational therapists and occupational therapy assistants consider the repertoire of occupations in which the client engages, the performance skills and patterns the client uses, client's body functions and structures. Occupational therapists and occupational therapy assistants use their knowledge and skills to help clients conduct or resume daily life activities that support function and health throughout the lifespan. Participation in activities and occupations that are meaningful to the client involves emotional, psychosocial, cognitive, and physical aspects of performance. Participation in meaningful activities and occupations enhances health, well-being, and life satisfaction.

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Thus, occupational therapists and occupational therapy assistants treat a variety of:

- Body functions (such as neuromusculoskeletal, sensory-perceptual, visual, mental, cognitive, and pain factors) and body structures (such as cardiovascular, digestive, nervous, integumentary, genitourinary systems, and structures related to movement), values, beliefs, and spirituality.
- Activities of daily living, habits, routines, roles, rituals, and behavior patterns.
- Physical and social environments, cultural, personal, temporal, and virtual contexts and activity demands that affect performance; and
- Performance skills, including motor and praxis, sensory-perceptual, emotional regulation, cognitive, communication and social skills.

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Over the years, there have been amendments to the Board's laws and regulations that have enhanced the Board's ability to protect the consumer, such as development of the Board's Disciplinary Guidelines and Cite and Fine Authority. To further bolster the regulation of the profession, the Board established supervision requirements, advanced practice education and practice requirements, minimum standards for infection control, and continuing education/competency requirements.

Business and Professions Code (BPC) Section 2570.25 mandates that "protection of the public shall be the highest priority for the California Board of Occupational Therapy in exercising its licensing, regulatory, and disciplinary functions."

In order to accomplish its mission, the Board:

- Ensures only eligible and qualified individuals are issued a license
- Investigates complaints and criminal convictions; and
- Responds to emerging changes and trends in the profession through legislative or regulatory amendments.

The Board's statutes require individuals, with a few exceptions, engaging in the practice of occupational therapy to possess a license.

**1. Describe the make-up and functions of each of the board's committees (cf., Section 13, Attachment tbd).**

The Board has no committee(s) specified in statute. However, the Board established four standing committees which serve as an essential component to help the Board address specific policy and/or administrative issues. The issues could be referred by the Board to a committee to delve into a policy issue/concern, to address issues referred by the public or licensees to the Board, or on recommendation by Board staff.

The Board's *Administrative Manual* identifies the number of members on each committee, requires the committee chairperson be a board member, and provides the committees' purposes. The committees' roles and responsibilities are included in Section 13, Attachment *tbd*.

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The committees, whose meetings are subject to the Open Meetings Act, include the following:

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- Administrative Committee
- Education and Outreach Committee
- Legislative and Regulatory Affairs Committee
- Practice Committee

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Internal organization of each committee is at its discretion, except as specified in the Board's Administrative Manual, and must be approved by the Board. The Committee chairperson, the assigned Board member, will oversee the meetings and work with the Executive Officer to develop an agenda and the meeting materials. The Board member will be responsible for providing the Committee report at the Board meeting.

Committee member terms are two years with a maximum service of two full, consecutive terms. Meetings will be held two or three times per year or as needed to conduct business. Meetings will be subject to the requirements of the Bagley-Keene Open Meeting Act.

Non-Board Member committee members shall be entitled to reimbursement of travel expenses but shall not receive per diem or any compensation for their time.

**(Committee info to be updated?)**

Due to on-going travel restrictions and the need to minimize all expenditures, including costs related to travel reimbursement, committee meetings have been conducted via teleconference and the committee's recommendations are brought to the Board at the next scheduled meeting.

The information on meeting attendance of all Board Members since the last sunset is included in the Section 13, Attachment *tbd*.

Table 1b. Board Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Appointee Type - Public or Licensee
Bookwalter, Richard	3/05/2014	05/04/2021	12/31/2024	Governor	Licensee
Davies, Teresa	1/13/2016	01/18/2017	Resigned 5/22/2018	Senate Rules	Public
Do, Lynna	7/25/2020	05/19/2021	12/31/2024	Senate Rules	Public
Ferro, Jeffrey	1/13/2014	12/11/2017	12/31/2020	Assembly Speaker	Public
Hayth, Laura	5/05/2015		12/31/2018	Governor	Licensee
Miller, Denise	5/15/2013	01/22/2021	12/31/2023	Governor	Licensee
Morcos, Beata	05/19/2015	01/04/2019	12/31/2022	Governor	Public
Pavlovich, Sharon	08/16/2013	01/21/2021	12/31/2023	Governor	Licensee
Vacancy	Vacant effective January 1, 2019				Licensee

**2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?**

A lack of quorum has not occurred so there has been no adverse impact to Board operations related to appointments.

**3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:**

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

In April 2020, the Board moved to its current location at 1610 Arden Way, Suite 121, Sacramento, California 95815.

The Board developed and adopted a new 2020-2024 Strategic Plan, which is included in Section 13, Attachment *tbd*. As part of that process, an environmental scan and analysis of the environment in which the Board operates was conducted. The environmental scan sought stakeholder input on the Board's performance in the areas

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of Enforcement, Applicant Qualifications, Laws and Regulations, Outreach and Communication, and Organizational Effectiveness. This process included sending a survey to more than XXX stakeholders, including people on the Board's interested parties list, other state occupational therapy boards, the California and national associations that represent the profession, and program directors of all California occupational therapy education programs.

- All legislation affecting the Board since the last sunset review.

## **2016**

### **AB 2859 (Low, Chapter 473, Statutes of 2016) – Professions and Vocations: Retired Category: Licenses**

This bill provides statutory authority for all programs that do not currently have the statutory authority to establish a retired license within the Department to create, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation. A retired license type must meet specified regulatory requirements, including: 1) a retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons; 2) the holder of a retired license shall not engage in any activity for which a license is required, unless the program, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation; 3) the holder of a retired license shall not be required to renew that license; 4) the program shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license; and 5) in order for the holder of a retired license to restore his or her license to an active status, the holder of that license must meet the requirements set forth in Business and Professions Code section 464(b)(5).

This bill requires all programs to investigate, upon receipt of a complaint, the actions of any licensee, including those that have a retired, inactive, canceled, revoked, or suspended license.

### **SB 1348 (Cannella, Chapter 174, Statutes of 2016) – Licensure Applications: Military Experience**

This bill requires programs within the Department that authorize veterans to apply military experience and training towards licensure requirements to post information on the program's website regarding the ability of veteran applicants to apply their military experience and training towards licensure requirements.

### **AB 2744 (Gordon, Chapter 360, Statutes of 2016) – Healing Arts: Referrals**

This bill establishes that payment for advertising, where a licensee sells services through a third-party advertiser (e.g., Groupon), does not constitute a referral of patients when the third-party advertiser does not recommend, endorse, or otherwise select a licensee itself. Additionally, this bill entitles the purchaser of services to a full refund in the event the licensee determines, after consultation with the purchaser, that the service is not appropriate, or if the purchaser elects not to receive the service for any reason and requests a refund. Finally, licensees are required to disclose in the advertisement that a consultation is required and that the purchaser will receive a refund if not eligible to receive the service.

## **2017**

**AB 208 (Eggman, Chapter 778, Statutes of 2017) – Deferred entry of judgment: pretrial diversion**

This bill changes the existing deferred entry of judgment program for controlled substance cases involving nonviolent defendants into a pretrial drug diversion program. Under the revised pretrial drug diversion program, a defendant would plead not guilty and receive 12 to 18 months to complete a court approved rehabilitation program, after which the criminal charge(s) would be dismissed. This bill limits eligibility in the program to defendants who have not had any felony convictions within five preceding years. If a defendant does not meet the terms of the program, the court would terminate the program and reinstate the criminal proceedings.

**AB 508 (Santiago, Chapter 195, Statutes of 2017) – Health care practitioners: student loans**

This bill repeals existing law authorizing healing arts programs under the Department to cite and fine licensees, deny renewal of an existing license or deny initial licenses to applicants for defaulting on certain healthcare related student loans.

**AB 1706 (Committee on Business and Professions, Chapter 454, Statutes of 2017)**

This bill extends the sunset date of the Board of Occupational Therapy to January 1, 2022 and makes various technical changes requested by the Board.

**SB 547 (Hill, Chapter 429, Statutes of 2017)**

This bill makes numerous noncontroversial, substantive changes to the Board of Accountancy, Board of Barbering and Cosmetology, Board of Chiropractic Examiners, Board of Registered Nursing, Cemetery and Funeral Bureau, Board of Occupational Therapy, Board of Pharmacy, Board of Podiatric Medicine, Board of Psychology, Bureau of Security and Investigative Services, Bureau of Real Estate Appraisers, Bureau of Automotive Repair, and Veterinary Medical Board. This bill specifies that the fee collected by the Board of Occupational Therapy for fingerprinting cannot exceed the amount charged by the agency providing the criminal history record check.

This bill also authorizes the Board of Occupational Therapy to collect a fee to query the National Practitioner Data Bank. The fee cannot exceed the amount charged per query.

**SB 796 (Hill, Chapter 600, Statutes of 2017) – Uniform Standards: Naturopathic Doctors Act: Respiratory Care Practice Act**

Among other provisions, this bill requires the Substance Abuse Coordination Committee housed within the Department to review the criteria currently used for uniform standard number four related to drug testing for substance-abusing licensees by January 1, 2019.

**2018**

**AB 2221 (Bloom, Chapter 490, Statutes of 2018)**

This bill makes technical and substantive changes to the Occupational Therapy Practice Act, including but not limited to: revising and updating definitions, including expanding the definition of “occupational therapy”; authorizing an aide to provide support services to an occupational therapy assistant; increasing the ratio of occupational therapists that may

supervise occupational therapy assistants from two to three; and modifying title protection provisions relating to doctoral degrees and registrations.

**AB 2138 (Chiu, Chapter 995, Statutes of 2018) – Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction**

This bill restricts the discretion of programs within the Department in using prior criminal history as grounds for licensing determinations, and establishes new criteria relating to the denial, suspension, and revocation of licensure. Beginning July 1, 2020, this bill will repeal the current authority to deny a license on the basis of acts involving dishonesty, fraud, or deceit that did not result in a conviction. Other revisions include the adoption of a seven-year limitation on convictions eligible for licensure denial, subject to specified exemptions, and a ban on requiring applicants to self-disclose prior convictions unless the application is made for a listed license type. Finally, this bill requires Department programs, as specified, to track data relating to licensure denials, to publish that data on its website, and submit an annual report to the Legislature, among other provisions.

**SB 695 (Lara, Chapter 838, Statutes of 2018) – Professions and vocations: applications and renewals: individual tax identification number**

Among other provisions, this bill prohibits licensing programs, including those within the Department, from requiring license applicants to disclose their citizenship or immigration status.

**SB 1480 (Hill, Chapter 571, Statutes of 2018) – Professions and Vocations**

This bill reduces the required meetings per year from three to two for Department programs and makes a change to the Department's Consumer Protection Enforcement Initiative (CPEI), to require the addition of "allegations of serious harm to a minor" to complaint prioritization guidelines.

**AB 1659 (Low, Chapter 249, Statutes of 2018) – Healing arts boards: inactive licenses**

This bill prohibits a licensee with an inactive license from representing that he or she has an active license. This bill also authorizes healing arts programs to establish lower renewal fees for inactive licenses. Finally, this bill reorganizes existing provisions of law without substantive change.

**AB 2193 (Maienschein, Chapter 755, Statutes of 2018) Maternal mental health**

This bill requires, by July 1, 2019, a licensed health care provider to ensure a mother is offered screening or is appropriately screened for maternal mental health conditions, with some exceptions. Additionally, this bill requires both a health plan and insurer to develop maternal mental health programs to address mental health and behavioral issues.

**2019**

**AB 5 (Gonzalez, Chapter 296, Statutes of 2019) – Worker status: employees and independent contractors.**

This bill places into statute the three-part legal test formulated in *Dynamex v. Superior Court* (2018) 4 Cal.5th 903 ('Dynamex') to determine whether a worker who performs services for a hirer is an employee or an independent contractor in cases related to existing Work Orders enforced through the Department of Industrial Relations and the Employment Development Department. This bill changes the definition of 'employee' under the Labor Code to include the elements of the Dynamex standard and expands the application of Dynamex to all



provisions of the Labor and Unemployment Insurance Codes unless otherwise specified. This bill contains numerous exemptions for professions and contract types that are instead governed by preexisting employment law standards, including more than a dozen professions licensed or overseen by boards/bureaus within the Department. Further, providers of 'professional services' are exempt if they meet further specified workplace and work type standards. A catch-all exemption is also included for third-party service contracts and for services rendered through a referral agency.

**AB 1076 (Ting, Chapter 578, Statutes of 2019) – Criminal records: automatic relief.**

This bill requires the Department of Justice, upon an annual Budget Act appropriation, to review its criminal justice databases on a monthly basis to identify persons who are eligible for automatic criminal record relief with respect to certain arrests and convictions occurring on or after January 1, 2021. The bill requires the Department of Justice to automatically grant relief to an eligible person without requiring the person to file a petition for relief. Such relief includes a notation in the person's criminal record that relief was granted, and the person is released from the penalties and disabilities resulting from the arrest or conviction.

**SB 601 (Morrell, Chapter 854, Statutes of 2019) – State agencies: licenses: fee waiver.**

This bill allows state licensing entities, including the Department's boards/bureaus, to reduce or waive licensing fees for people or businesses displaced or affected by a proclaimed or declared emergency in the previous year. Licensing fees include those for certificates, registration, or other documents required to engage in business, and applies to fees for renewal or replacement of a physical license for display.

**SB 639 (Mitchell, Chapter 856, Statutes of 2019) Medical services: credit or loan.**

This bill prohibits a healing arts licensee from charging treatment or costs to an open-ended 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 the date on which the treatment is rendered or costs are incurred. The bill additionally prohibits a licensee from arranging for or establishing an open-ended credit or loan that contains a deferred interest provision, except as specified. The bill also revises the currently required patient notice for readability and to incorporate changes made by this bill.

**2020**

**AB 2113 (Low, Chapter 186, Statutes of 2020) – Refugees, asylees, and special immigrant visa holders: professional licensing: initial licensure process.**

This bill requires boards and bureaus within the Department to 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 also allows boards and bureaus to assist these applicants during the initial licensure process. This bill further specifies that persons applying for expedited licensure will still be required to meet all applicable statutory and regulatory licensure requirements. Lastly, this bill authorizes boards and bureaus to adopt regulations deemed necessary to administer these provisions.

**SB 878 (Jones, Chapter 131, Statutes of 2020) – Department of Consumer Affairs: license: application: processing timeframes.**

Beginning July 1, 2021, this bill requires each board and bureau within the Department that issues licenses to prominently display on their websites each quarter either the current average timeframe for processing initial and renewal license applications, or the combined

current average timeframe for processing both initial and renewal license applications. This bill also requires each board and bureau to quarterly post on their websites either the current average processing timeframe for each license type administered by the program, or the combined current average timeframe for processing all license types administered by the program.

**SB 1474 (Business, Professions and Economic Development Committee, Chapter 312, Statutes of 2020) – Business and professions.**

Among various other provisions, this bill subjects licensees to discipline for including in a consumer service contract or proposed contract a provision that limits the consumer’s ability to file a complaint with the applicable board or bureau, or to participate in a board or bureau investigation of the licensee. This bill further specifies that any waiver of the bill’s ban on certain contract provisions is void and unenforceable.

**AB 2520 (Chiu, Chapter 101, Statutes of 2020) – Access to medical records.**

This bill requires specified health care providers to complete forms, without charging patients for the completion of these forms, when the forms are needed to determine eligibility for specified public benefit programs. It also expands eligibility for receiving a free copy of patient medical records.

- All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.

Section(s)	Rulemaking File Subject	Status	Publication Date	Close of public comment period	Effective date of language

**4. Describe any major studies conducted by the board (cf. Section 13, Attachment tbd).**

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**Add info re CCCC work force study**

**5. List the status of all national associations to which the board belongs.**

- Does the board’s membership include voting privileges?
- List committees, workshops, working groups, task forces, etc., on which board participates.
- How many meetings did board representative(s) attend? When and where?
- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

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The Board uses the same national examination (and vendor) used by all other State occupational therapy licensing boards/agencies (outside of California). The Board is not involved in the development, scoring, analysis, and administration of the examination; however, a pool of more than 50 licensed professionals and faculty

members from across the nation serve as subject matter experts (SMEs). The SMEs are responsible for exam question development, analysis, and validation. The vendor that administers and scores the examinations is the National Board for Certification in Occupational Therapy (NBCOT); NBCOT also reports the scores to the candidates, state regulatory agencies, and prospective employers, if a candidate chooses.

## Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the board as published on the DCA website.

Annual performance measures provided in Section 13, as Attachment *tbd*.

7. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

## Section 3 – Fiscal and Staff

### Fiscal Issues

8. Is the board's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

The Board's fund is appropriated, subject to approval by the Legislature. Business and Profession Code Section 2570.22 states:

All fees collected by the board shall be paid into the State Treasury and shall be credited to the Occupational Therapy Fund which is hereby created. The money in the fund shall be available, upon appropriation by the Legislature, for expenditure by the board to defray its expenses and to otherwise administer this chapter.

9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

~~The Board moved from an annual license renewal with a \$150 fee to a biennial (every other year) license renewal, charging the same fee (\$150). While changing the renewal frequency reduced the Board's annual revenue collection, it didn't have an immediate impact to the reserve level; the Board's fund reserve level was so high that the reduction in revenue was slow to reduce the fund condition. Thus, in fiscal year 2009/10, a \$2 million loan was provided to the General Fund, which facilitated a reduction of the Board's fund reserve level.~~

For many fiscal years, the Board's spending has been slightly less than the annual budget. This intentional 'underspending' was a conscious decision to ensure funds were

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reverted to the Board's fund. This was necessary given the fact that each year, the revenue collected has been less than the Board's expenditures.

10. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The fund condition indicates>>>>>

<b>Table 2. Fund Condition</b> (dollars listed in thousands)						
<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>
2,588	2,319	2,097	1,850	1,550	1,035	392
1,800	2,255	2,294	2,481	3,099	3,070	3,065
\$4,388	\$4,574	\$4,391	4,331	\$4,649	\$4,105	\$3,458
2,299	2,348	2,497	3,008	3,317	3,070	3,066
2,384	2,371	2,541	2,781	3,613	3,713	3,815
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
\$2,004	\$2,203	\$1,850	\$1,550	\$1,036	\$392	-\$357
10.1	10.4	8.0	5.1	3.4	1.2	-1.1

**11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?**

In 2003/04 a loan was made to the general fund in the amount of \$640,000. This amount was repaid in full in FY 2012/13. The Board was also paid \$89,000 in interest in FY 2012/13 as a result of this loan. In 2009/10 a loan was made to the general fund in the amount of \$2,000,000. This amount was repaid in FY 2013/14 in full. The Board was paid \$82,000 in interest in FY 2013/14 as a result of this loan.

There are no outstanding loans to the general fund.

**12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area.**

To be provided in next draft

Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

<b>Table 3. Expenditures by Program Component</b> (dollars listed in thousands)								
	FY 2017/18		FY 2018/19		FY 2019/20		FY 2020/21	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	548	296	588	308	624	338	625	319
Examination	-	-	-	-	-	-	-	-
Licensing	287	82	309	46	328	70	419	82
Administration *	311	59	327	33	339	50	313	41
DCA Pro Rata	-	539	-	539	-	565	-	821
<b>TOTALS</b>	<b>\$1,146</b>	<b>\$976</b>	<b>\$1,224</b>	<b>\$926</b>	<b>\$1,291</b>	<b>\$1,023</b>	<b>\$1,357</b>	<b>\$1,263</b>

\*Administration includes costs for executive staff, board, administrative support, and fiscal services.

**13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the Board has received from DCA?**

<b>BreEZe Expenditures</b> (dollars listed in thousands)									
FY 2016-17		FY 2017-18		FY 2018-19		FY 2019-20		FY 2020-21	
Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
133,382	128,718	132,000	119,286	111,000	109,576	86,000	87,541	93,000	85,280

At this time the Board is considered in 'maintenance mode' with the BreEZe project and ongoing budget of \$85k in FY 2021-22 and \$63k in FY 2022-23 an on-going. However, these costs could fluctuate depending on actual needs of the Board to make modifications to meet licensee and Board needs for improvement.

**14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.**

At the Board's (2001) inception the Annual Renewal fee for both OTs and OTAs was \$150 per year. Due to such a strong fund reserve, in 2007, the renewal fee was not changed, however, the annual renewal was changed to a biennial renewal based on birth month and birth year; licensee's birth month renewing during an odd year if the licensee was born in an odd year or during an even year, if the licensee was born in an even year. (Regardless of month or year of license issuance, initial licenses are pro-rated so that they expire in the licensee's birth month/birthyear. This ensured all licensees were put into an equitable two-year cycle and the Board collect revenue .

Fee	Fees Prior to 7/1/2017	Fees Effective 7/1/2017	Fees Effective 1/1/2021	Statutory Limit
Biennial Renewal OT		220	270	\$150 per year
Biennial Renewal OTA		180	210	\$150 per year
OT Restore License to Active Status		220	270	270
OTA Restore License to Active Status		180	210	210
OT Inactive Renewal		270	270	270
OTA Inactive Renewal		210	210	210
Delinquent Renewal-OT		135	135	135
Delinquent Renewal-OTA		105	105	105
Citation & Fine		various	various	various
OT Duplicate License Fee		25	25	25
OTA Duplicate License Fee		25	25	25
FTB Cite & Fine Collection		various	various	various
OT Initial License-varies		various	various	various
OTA Initial License-varies		various	various	various
OT Limited Permit		100	100	100
OTA Limited Permit		100	100	100
OT Retired Status		25	25	25



OTA Retired Status		25	25	25
OT Application fee		50	50	50
OTA Application fee			50	50

Fee	Current Fee	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	% of Total Revenue
Biennial Renewal OT	270	842	1,224	1,395	1,440	1,762	64.68%
Biennial Renewal OTA	210	179	231	263	281	336	12.52%
OT Restore License to Active Status	270	-	-	-	1	1	0.02%
OTA Restore License to Active Status	210	-	-	-	-	-	0.00%
OT Inactive Renewal	270	11	29	49	44	46	1.74%
OTA Inactive Renewal	210	2	5	10	7	10	0.33%
Delinquent Renewal-OT	135	17	22	25	30	33	1.23%
Delinquent Renewal-OTA	105	4	4	5	7	7	0.26%
Citation & Fine	various	24	43	33	48	20	1.63%
OT Duplicate License Fee	25	3	5	4	3	4	0.18%
OTA Duplicate License Fee	25	1	1	1	1	1	0.05%
FTB Cite & Fine Collection	various	2	-	1	2	-	0.05%
OT Initial License-varies	various	136	219	206	201	225	9.58%
OTA Initial License-varies	various	47	63	61	56	54	2.73%
OT Limited Permit	100	3	4	4	3	6	0.19%
OTA Limited Permit	100	1	1	1	1	1	0.05%
OT Retired Status	25	1	3	4	3	3	0.14%
OTA Retired Status	25	-	1	1	1	1	0.04%
OT Application fee	50	61	72	72	65	69	3.29%
OTA Application fee	50	23	26	27	23	19	1.15%
Suspended Revenue	various	9	5	(1)	1	1	0.15%

**15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.**

<b>Table 5. Budget Change Proposals (BCPs)</b>								
BCP ID #	Fiscal Year	Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested	# Staff Approved	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-034 2020	2020-21	Facilities Funding Augmentation					\$94,000	\$94,000
1111-037 2020	2020-21	BreEZe System Maintenance and Credit Card Funding					\$125,000	\$125,000
1111-038 2020	2020-21	Licensing Staff Increase	2.5 Office Technician	2.5 Office Technician	\$193,000	\$154,000	\$89,000	\$74,000
1111-075 2018	2018-19	BreEZe System Maintenance					\$142,000	\$142,000
1111-029 2017	2017-18	BreEZe System and Credit Card Funding					\$128,000	\$128,000

The Board received 2.5 OT positions in FY 2020-21. However, due to the pandemic, the positions were approved on a phased-in approach. Funding for 1.5 positions were approved effective July 1, 2020, and ongoing; funding for the remaining 1.0 position was approved effective January 1, 2021, and ongoing.

## Staffing Issues

16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.
  
17. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 13, Attachment *tbd*).

## Section 4 – Licensing Program

18. What are the board's performance targets/expectations for its licensing<sup>1</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
  
  19. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?
  
  20. How many licenses does the board issue each year? How many renewals does the board issue each year?
-

<b>Table 6. Licensee Population</b>						
		FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Occupational Therapist	Active	12,540	13,368	14,105	14,653	15,135
	Inactive	913	678	432	377	327
	Retired	76	187	353	470	580
	Delinquent *	1,906	2,239	2,545	2716	2946
	Out-of-State	2,273	2,625	3,041	3523	3557
	Out-of-Country	Data not available	Data not available	Data not available	Data not available	Data not available
Occupational Therapy Assistant	Active	2,838	3,172	3,437	3641	3727
	Inactive	152	134	96	88	80
	Retired	14	36	62	85	118
	Delinquent *	470	559	675	771	911
	Out-of-State	553	655	757	827	827
	Out-of-Country	Data not available	Data not available	Data not available	Data not available	Data not available

\* Delinquent license renewals processed are not accounted for in the active and inactive totals.

Table 7a. Licensing Data for Occupational Therapist											
	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2016/17	(Exam)										
	(License)	1,330	1,192		1,177	55			34	66	
	(Renewal)		6,131								
FY 2017/18	(Exam)						-	-			
	(License)	1,443	1,337		1,308	89	-	-	29	68	
	(Renewal)		6,213				-	-			
FY 2018/19	(Exam)						-	-			
	(License)	1,377	1,301		1,377	65	-	-	27	71	
	(Renewal)		6,552				-	-			
FY 2019/20	(Exam)						-	-			
	(License)	1,105	1,191		1,160	94	-	-	31	76	
	(Renewal)		6,859				-	-			
FY 2020/21	(Exam)										
	(License)	1,550	1,256		1,203	148			26	75	
	(Renewal)		7,034								

**7a. Licensing Data for Occupational Therapist Assistant**

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2016/17	(Exam)										
	(License)	500	430		403	40			40	69	
	(Renewal)		1,321								
FY 2017/18	(Exam)						-	-			
	(License)	520	477		471	32	-	-	30	75	
	(Renewal)		1,351				-	-			
FY 2018/19	(Exam)						-	-			
	(License)	503	455		489	31	-	-	27	76	
	(Renewal)		1,582				-	-			
FY 2019/20	(Exam)						-	-			
	(License)	412	419		403	38	-	-	31	78	
	(Renewal)		1,568				-	-			
FY 2020/21	(Exam)										
	(License)	427	381		366	34			26	84	
	(Renewal)		1,711								

\*Optional. List if tracked by the board.

<b>Table 7b. Total Licensing Data</b>					
	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
<b>Initial Licensing Data for OTs and OTAs:</b>					
<b>OT Licenses Issued</b>					
Initial OT License/Initial Exam Applications Received	1,330	1,443	1,377	1,105	1,488
Initial OT License/Initial Exam Applications Approved	1,192	1,337	1,301	1,191	1,256
Initial OT License/Initial Exam Applications Closed	1,177	1,308	1,377	1,160	1,203
<b>OTA Licenses Issued</b>					
Initial OTA License/Initial Exam Applications Received	500	520	503	412	427
Initial OTA License/Initial Exam Applications Approved	430	477	455	419	381
Initial OTA License/Initial Exam Applications Closed	403	471	489	403	366
<b>Initial License/Initial Exam Pending Application Data for OT and OTA:</b>					
<b>Pending OT Applications (total at close of FY)</b>					
Pending OT Applications (outside of board control)*	Data not available				
Pending OT Applications (within the board control)*	Data not available				
<b>Pending OTA Applications (total at close of FY)</b>					

Pending OTA Applications (outside of board control)*	Data not available
Pending OTA Applications (within the board control)*	Data not available



**21. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.**

**22. How does the board verify information provided by the applicant?**

- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?

When an applicant submits their application for licensure, he or she is required to disclose whether any health-related professional licensing or disciplinary body in any state, territory, or foreign jurisdiction has ever denied, limited, placed on probation, restricted, suspended, cancelled, or revoked any professional license, certificate, or registration, or imposed a fine, reprimand, or taken any other disciplinary action against any license or certificate they hold or have ever held. If the applicant discloses another license on their application, he or she is required to submit a license verification from the issuing authority. The license verification is used as a primary source to determine if the applicant had a license or certificate that had been disciplined by another state or province. (This process also allows the Board to determine if the applicant has been truthful in the application process.)

Each applicant is also required to disclose any past misdemeanor or felony convictions, regardless of the age of the conviction or whether the matter has been expunged. As part of the licensure process, each applicant is required to submit their fingerprints for processing through the California Department of Justice and the Federal Bureau of Investigation for processing at both the State and Federal levels. (This process also allows the Board to determine if the applicant has been truthful in the application process.)

- b. Does the board fingerprint all applicants?

As part of the licensure process, all applicants are required to submit their fingerprints for processing through the California Department of Justice and the Federal Bureau of Investigation. Applicants can submit their fingerprints electronically if they access one of several hundred LiveScan locations in California. Applicants located out of state must complete and submit fingerprint cards directly to the Board; the Board then forwards the cards to the DOJ for manual processing. Whether fingerprints are submitted via LiveScan or fingerprint cards, no applicant is approved for licensure until the background checks from both the Department of Justice and Federal Bureau of Investigation are received by the Board.

- c. Have all current licensees been fingerprinted? If not, explain.

All current licensees have been fingerprinted before their initial license application was approved in order to verify whether an applicant has been convicted of crimes in the past, and also to provide the Board with subsequent arrest information. Thus, the fingerprint image is "maintained" by the Department of Justice. With the fingerprints maintained by DOJ, the Board also receives subsequent arrest and subsequent conviction reports. This allows the Board to open a 'case' and monitor the arrest through the process; staff can then determine if the conviction is substantially related to the qualifications, functions or duties of an occupational therapy practitioner.

A substantially related conviction then becomes the basis for the Board to take disciplinary action against the licensee. (This process also allows the Board to determine if the licensee was truthful in completing the renewal application.)

- d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

The National Practitioner Data Bank (NPDB) collects information and maintains reports on:

- Federal and state licensure and certification actions
- Health care-related criminal convictions and civil judgments
- Medicare and Medicaid exclusions
- Medical malpractice payments
- Adverse clinical privileges actions
- Adverse professional society membership actions
- Other adjudicated actions or decisions

The intent of the databank is to improve the quality of health care by requiring state licensing boards, hospitals, health care employers, other health care entities, and professional societies to report those licensees who engage in illegal or unprofessional behavior; and to restrict the ability of incompetent health care practitioners from moving from state-to-state without disclosure or discovery of previous discipline, medical malpractice payment or other adverse action. Adverse actions can involve action taken against licensure, clinical privileges, and professional society membership.

Reporters to the NPDB include, but are not limited to:

- State healthcare licensing boards
- Health and Human Services' Office of the Inspector General
- State entity licensing and certification authorities
- Medical malpractice payers
- Hospitals
- Professional societies with formal peer review
- Other health care entities with formal peer review (e.g., HMOs, managed care organizations, etc.)
- Drug Enforcement Agency

The Board reports all disciplinary actions taken against applicants and licensees to the NPDB as required by federal law.

e. Does the board require primary source documentation?

The Board requires primary source documentation (e.g., educational transcripts issued by the university or college, verification of passage of the examination issued by the vendor, license verifications issued by another state agency, certified court documents relating to convictions.) to ensure the accuracy of the document submitted. Primary source documentation also assists the Board in determining if the applicant has been truthful in the application process, when the documentation submitted is compared to the information the applicant has provided on the application form.

**23. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.**

The Board does not have reciprocity with any other state licensing boards. Any person from another state seeking licensure in California as an Occupational Therapist (OT) or Occupational Therapy Assistant (OTA) will need to demonstrate compliance with all licensing requirements, including demonstrating minimum entry-level competence. This is demonstrated by completion of specific educational and supervised fieldwork requirements set forth in BPC section 2570.6 and successful completion of the entry-level examinations administered by the National Board for Certification in Occupational Therapy, Inc.(NBCOT).

Occupational Therapists trained outside of the United States are required to complete the educational and supervised fieldwork requirements set forth in BPC section 2570.6 and successfully complete the entry-level certification examination administered by NBCOT. (There are no foreign occupational therapy assistant programs recognized; only graduates of United States occupational therapy assistant programs are eligible to take the NBCOT examination.) Pursuant to BPC section 30, applicants shall provide either an individual taxpayer identification number or a social security number before a license can be issued.

An individual applying for a license as an occupational therapist or as an occupational therapy assistant shall submit a completed application and demonstrate to the Board that he or she meets all of the requirements set forth in BPC Section 2570.6:

(a) That the applicant is in good standing and has not committed acts or crimes constituting grounds for denial of a license under Section 480.

(b)(1) That the applicant has successfully completed the academic requirements of an educational program for occupational therapists or occupational therapy assistants that is approved by the board and accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program.

(d) That the applicant has successfully completed a period of supervised fieldwork experience approved by the board and arranged by a recognized educational

institution where he or she met the academic requirements of subdivision (b) or (c) or arranged by a nationally recognized professional association.

(e) That the applicant has passed an examination as provided in Section 2570.7.

(f) That the applicant, at the time of application, is a person over 18 years of age, is not addicted to alcohol or any controlled substance, and has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

BPC Section 2570.4 allows an OT or OTA who holds a current, active, and non-restricted license issued by another state with requirements at least as stringent as California to work in California for 60-days from the date an application for licensure is received by the Board; the OT or OTA must work in association with a California-licensed OT.

Any applicant who holds or has ever held a license, registration, or certificate in any health-related profession, including occupational therapy, in any state, province, or country, must disclose these licenses, registrations or certificates and request a license verification from each of those jurisdictions.

Other than those items listed above, the application process is the same for new graduates, or applicants from out-of-state or country.

**24. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.**

Existing law, BPC section 2570.6, establishes that an applicant for licensure must successfully complete an occupational therapy academic program that has been accredited by the Accreditation Council on Occupational Therapy Education (ACOTE).

Existing law, BPC section 2570.7, also establishes an applicant for state licensure must pass the examination administered by NBCOT. In order for NBCOT to allow a candidate to sit for the certification examination the candidate must provide evidence (a transcript) they successfully completed an OT or OTA educational program that is accredited by ACOTE; graduates of a foreign educational program must submit evidence to NBCOT that the program they completed contained substantially equivalent courses to the education curriculum required of program accredited by ACOTE.

As previously reported there is a pathway for OTAs to qualify by having completed military education and training. This is because military OTA programs have been accredited by ACOTE and meet NBCOT's eligibility requirements for the COTA examination.

A review of the qualification requirements for occupational therapists serving in the armed services, indicates that completion of an accredited occupational therapy degree program and passage of the NBCOT examination is required.

- a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?
- b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

- c. What regulatory changes has the board made to bring it into conformance with BPC § 35?
- d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?
- e. How many applications has the board expedited pursuant to BPC § 115.5?

**25. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

The Board submits No Longer Interested (NLI) notifications to DOJ when a license is cancelled, surrendered, revoked, or reported deceased. The NLI notification is also submitted to DOJ when an application for licensure is abandoned. All NLI notifications are faxed to DOJ and a copy of the form is retained.

Due to the fact that some applicants submit their fingerprints to DOJ but never submit an application for licensure to the Board, there is an internal policy that requires Board staff to submit the NLI if an application is not received from the applicant within 60 days of receipt of the DOJ or FBI information, whichever occurs latest. There is not a back log of NLI notifications to be sent to DOJ.

**Examinations**

**26. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?**

**27. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?**

Table 8. Examination Data		
License Type	Occupational Therapist	
Exam Title	<i>OCCUPATIONAL THERAPIST REGISTERED - OTR</i>	
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	6,787
	Pass %	80.23%
FY 2017/18	# of 1 <sup>st</sup> Time Candidates	7,321
	Pass %	81.87%

FY 2018/19	# of 1 <sup>st</sup> Time Candidates	7,959
	Pass %	82.35%
FY 2019/20	# of 1 <sup>st</sup> time Candidates	7,259
	Pass %	82.74%
FY 2020/21	# of 1 <sup>st</sup> time Candidates	8,469
	Pass %	84.38%
Date of Last OA		<b>2017</b>
Name of OA Developer		<b>NBCOT</b>
Date of next OA		<b>2022</b>

<b>National Examination (include multiple language) if any:</b>		
License Type		<b>Occupational Therapy Assistant</b>
Exam Title		<b>CERTIFIED OCCUPATIONAL THERAPY ASSISTANT – COTA</b>
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	4,732
	Pass %	76.14%
FY 2017/18	# of 1 <sup>st</sup> Time Candidates	4,980
	Pass %	75.64%
FY 2018/19	# of 1 <sup>st</sup> Time Candidates	4,775
	Pass %	76.46%
FY 2019/20	# of 1 <sup>st</sup> time Candidates	3,786
	Pass %	75.46%
FY 2020/21	# of 1 <sup>st</sup> time Candidates	4,140
	Pass %	79.69%
Date of Last OA		<b>2017</b>
Name of OA Developer		<b>NBCOT</b>
Date of Next OA		<b>2022</b>

**28. Is the Board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?**

The NBCOT uses computer-based testing to administer the examinations required to demonstrate competence as an occupational therapist or an occupational therapy assistant. The examinations are administered at Prometric Test Centers worldwide, through a network of more than 10,000 testing centers in more than 160 countries. Most PTC test centers are open six days a week and many centers offer evening hours for candidate convenience.

Candidates are encouraged to review the Certification Examination Handbook, which is available on NBCOT's website, prior to applying for the exam. The handbook has been developed to provide exam candidates with the information they need to complete an examination application and successfully pass the required examination.

All candidates are required to answer the character questions on the exam application and for those who respond affirmatively, comply with related documentation requirements. Candidates requesting special testing accommodations must indicate this request on the application and comply with associated documentation requirements. Reporting services are available to all candidates as part of the exam application process including: 1) Confirmation of Examination Registration and Eligibility to Examine Notice; and 2) Official Score Transfer.

After the candidate has submitted an exam application and fee to NBCOT, they must also submit an Official Final Transcript or an Academic Credential Verification Form (ACVF). The ACVF may be submitted in the event that the official transcript is not final with the understanding that the final transcript must be submitted when available from the college or university's Registrars' Office.

Once an exam application has been approved by NBCOT, the candidate is provided with an Authorization to Test (ATT) letter. The ATT letter authorizes the candidate to take the examination and is active for 90 days. Upon receipt of an ATT letter, a candidate can then proceed with contacting Prometric Test Centers to schedule a date, time and location to test.

The official score report is provided directly to the Board via an on-line secure portal, once the candidate makes the request to NBCOT

**29. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.**

#### **School approvals**

**30. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?**

**31. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?**

**32. What are the board's legal requirements regarding approval of international schools?**

**Continuing Education/Competency Requirements**

**33. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.**

- a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?
- b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.
- c. What are consequences for failing a CE audit?
- d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?
- e. What is the board's course approval policy?
- f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?
- g. How many applications for CE providers and CE courses were received? How many were approved?
- h. Does the board audit CE providers? If so, describe the board's policy and process.
- i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee's continuing competence.



**34. What are the board’s performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

The Board established a performance target of no more than two days to assign a complaint to an investigator (from the date of receipt). The Board consistently achieves this goal.

The Board established a target of no more than 270 days, from the date the complaint is received to its closure; excluding cases that are referred to the AGO for formal discipline. The Board established a target of no more than 540 days to complete the entire enforcement process (from date of receipt of complaint) for cases resulting in discipline against a licensee. The Board established a target of no more than ten days (from the effective date of the Board’s decision imposing probation) to when a probation monitor makes first contact with a probationer. The Board consistently achieves this goal. The Board established a target of no more than ten days from the date a probation violation is identified/reported (to the Board) to the date the monitor initiates appropriate action. The Board consistently achieves this goal.

**35. Explain trends in enforcement data and the board’s efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?**

<b>Table 9a. Enforcement Statistics</b>				
<b>Will add FY 2016-17 data to table 9a</b>				
	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>COMPLAINT</b>				
<i>Intake</i>				
Received	241	499	597	895
Closed	661	598	698	1,009
Referred to INV	241	498	596	894
<i>Source of Complaint</i>				
Public				
Licensee/Professional Groups				

<b>Table 9a. Enforcement Statistics</b>				
Governmental Agencies				
Other				
<i>Conviction / Arrest</i>				
CONV Received	156	186	111	114
CONV Closed				
Average #of Days to Close ALL Complaints	179	162	158	112
<b>Total Closed Complaint</b> (closed of FY)	661	598	698	1,009
<b>Total Pending Complaints</b> (close of FY)	243	245	345	319
<b>LICENSE DENIAL</b>				
License Applications Denied	2	2	0	0
SOIs Filed	1	0	1	0
SOIs Withdrawn	0	0	0	1
SOIs Dismissed	0	0	0	0
SOIs Declined				
Average Days SOI				
<b>ACCUSATION</b>				
Accusations Filed	8	27	11	17
Accusations Withdrawn	0	3	0	3
Accusations Dismissed	0	0	0	0
Accusations Declined				
Average Days Accusations Pending (close of FY)				
<b>DISCIPLINE</b>				
<i>Disciplinary Actions</i>				
Proposed/Default Decisions				
Stipulations				
Average Days to Complete <b>See PM 4</b>	319	520	373	772*
AG Cases Initiated	19	25	25	17
AG Cases Pending (close of FY)	14	19	22	18
<i>Disciplinary Outcomes</i>				
	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
Revocation	5	8	7	5
Voluntary Surrender	2	8	3	6
Suspension	0	0	0	0
Probation with Suspension <sup>1</sup>	0	0	2	0
Probation <sup>2</sup>	7	10	4	5
Probationary License Issued	1	0	0	0
Other	1	1	0	
<b>PROBATION</b>				
New Probationers	8	10	6	5

Table 9a. Enforcement Statistics				
Probations Successfully Completed				
Probationers (close of FY)				
Petitions to Revoke Probation				
Probations Revoked				
Probations Modified				
Probations Extended				
Probationers Subject to Drug Testing				
Drug Tests Ordered				
Positive Drug Tests				
Petition for Reinstatement Denied				
Petition for Reinstatement Granted				

Average Days to Complete See PM 4	319	520	373	772*
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**Need to explain increase in days due to non-adopts**

Table 9b. Enforcement Statistics					
	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
<b>INVESTIGATION</b>					
All Investigations	398	665	685	708	1,009
First Assigned	241	502	499	597	895
Closed	157	163	186	111	114
Average days to close	1	1	1	1	1
Pending (close of FY)	243	288	245	345	319
Desk Investigations	661	602	598	698	1,009
Closed	661	602	598	698	1,009
Average days to close	303	179	162	158	112
Pending (close of FY)	243	288	245	345	319
Non-Sworn Investigation					
Closed					
Average days to close					
Pending (close of FY)					
Sworn Investigation					
Closed					
Average days to close					
Pending (close of FY)					
<b>COMPLIANCE ACTION</b>					
ISO & TRO Issued					

PC 23 Orders Requested					
Other Suspension Orders					
Public Letter of Reprimand					
Cease & Desist/ Warning Letters					
Compel Examination					
<b>CITATION AND FINE</b>					
Total Citations Issued	93	182	172	263	226
Average Days to Complete	334	246	198	201	167
Amount of Fines Assessed	\$42,585	\$60,495	\$43,930	\$63,035	\$43,406
Amount of Fines Collected	\$26,662	\$43,145	\$37,590	\$48,450	\$19,346
Citations with Fine Reduced	\$10,700	\$3,850	\$5,580	\$5,140	\$2,315
Citations Withdrawn	15	6	1	9	4
Citations Dismissed	5	12	17	13	18
<b>CRIMINAL ACTION</b>					
Referred for Criminal Prosecution	0	0	0	0	0

<b>Table 10. Enforcement Case Aging</b>						
	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>	<b>Total Cases Closed</b>
<b><i>AGO Cases Closed Within:</i></b>						
<1 Year	5	11	14	8	5	43
1 - 2 Years	6	3	12	8	3	32
2 - 3 Years	6	2	5	4	4	21
3+ Years	0	0	4	1	3	8
Total Cases at AGO Closed	18	21	34	21	15	109
<b><i>DOI Cases Closed Within:</i></b>						
0 - 1 Year						
1 - 2 Years						
2 - 3 Years						
3 - 4 Years						
4+ Years						
Total DOI Cases Closed						
<b><i>Desk Investigation Cases Closed Within:</i></b>						
90 Days	208	321	353	409	7732	2,064
91 - 180 Days	54	141	92	115	68	470
181 days to 1 Year	79	47	98	93	54	371
1 - 2 Years	307	54	31	69	100	555
2 - 3 Years	11	29	5	3	12	60
3+ Years	2	10	19	15	2	48
Total Desk Investigation Cases Closed	661	602	598	698	1,009	3,568

**36. What do overall statistics show as to increases or decreases in disciplinary action since last review?**

**37. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.**

**38. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?**

- a. What is the dollar threshold for settlement reports received by the board?
- b. What is the average dollar amount of settlements reported to the board?

**39. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.**

- a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
- b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
- c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

**40. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?**

**41. Describe the board's efforts to address unlicensed activity and the underground economy.**

#### **Cite and Fine**

**42. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?**

### Intent of Cite and Fine Authority

Business and Professions Code (BPC) Section 125.9 authorizes the Board to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine. The Board established CCR Section 4140(a), which authorizes the Board to issue citations and fines to licensees.

Further, BPC Section 148 authorizes the Board to establish, by regulation, a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the Board. The Board established CCR Section 4140(b), which authorizes the Board to issue citations and fines and/or orders of abatement to unlicensed persons. This authority is exercised on a case-by-case basis when violations are not necessarily egregious enough to warrant discipline and a lesser form of action is appropriate.

Pursuant to CCR Section 4141(a) fines range from \$50 to \$5,000. The following factors are considered:

1. Gravity of the violation;
2. History of previous violations involving the same or similar conduct;
3. Length of time that has passed since the date of the violation;
4. Consequences of the violation, including potential for patient harm, the good or bad faith exhibited by the cited individual;
5. Evidence that the violation was willful;
6. The extent to which the individual cooperated with the board's investigation;
7. The extent to which the individual has remediated any knowledge and/or skills deficiencies; or
8. Any other mitigating or aggravating factors.

### Changes Since Last Sunset Review

There have been no regulatory amendments to the Cite/Fine authority since the last Sunset Review.

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### Increase of Citation Fine to \$5,000

The Board increased its maximum fines to the \$5,000 statutory limit, effective August 19, 2011. Class "A" citations may be issued under specific circumstances that are more serious in nature and/or resulted in or had significant potential for patient harm. These specific violations include, but are not limited to:

1. Failing to provide direct in-sight supervision of an aide when the aide performed a client related task that resulted in harm to the patient.
2. Failing to provide adequate supervision to an occupational therapy assistant that resulted in harm to the patient.
3. Fraudulent medical billing.
4. Practicing without a current and active license for more than one year.
5. An occupational therapy assistant functioning autonomously.

6. The cited person has a history of two or more prior citations of the same or similar violations.

**43. How is cite and fine used? What types of violations are the basis for citation and fine?**

A citation and fine is an alternative means by which the Board can address violations that do not warrant formal discipline.

CCR Section 4140 gives the Executive Officer the authority to issue citations with or without fines and abatement orders for violations of the Occupational Therapy Practice Act, violations of the California Code of Regulations adopted by the Board, or other statutes or regulations for which the Board has authority to issue a citation. Section 4141 sets fine amounts of \$50 up to \$2,500 for the least egregious violations.

However, Section 4141(a) sets forth larger fine limits for the more substantial violations. For instance, violations that present a threat to health and safety of another person, unlicensed practice for more than one year or involve multiple violations of the Practice Act, or involve a violation or violations of fraudulent billing, a citation may include a fine up to \$5,000.

A large number of citations and fines are issued for minor address change reporting violations or continuing education audit violations. Fines assessed for such violations typically range from \$50 to \$250, depending upon factors as specified in CCR Section 4141. Factors considered when determining a fine amount are the nature and severity of the violation, evidence that the violation was willful, and extent to which the licensee has cooperated with the Board.

**44. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?**

45. What are the 5 most common violations for which citations are issued?

46. What is average fine pre- and post- appeal?



47. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

**Cost Recovery and Restitution**

48. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

49. **How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.**

The Board requests recovery of its costs for all cases against licensees relating to revocations, surrenders, and probation; the Board cannot request its costs in investigating or enforcing cases against applicants.

However, not all licensees are ordered to reimburse the Board *all* of its costs. An administrative law judge may only order a *portion* of the Board's costs or to facilitate a stipulated agreement, cost recovery in an amount less than the total costs may be agreed to. Amounts for potential cases, cases ordered, and the ranges of cost recovery that has been ordered and received are reflected by fiscal year in Table 11, Cost Recovery.

<b>Table 11. Cost Recovery</b> (dollars listed in thousands) <small>frestit</small>					
	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
Total Enforcement Expenditures	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Potential Cases for Recovery *	5	4	10	6	5
Cases Recovery Ordered	5	4	ge10	6	5
Amount of Cost Recovery Ordered	18	.10	19	35	26
Amount Collected		7/9	9	19	11

\* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

50. Are there cases for which the board does not seek cost recovery? Why?

51. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

**52. Describe the board’s efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.**

The Board requests cost recovery in all cases in which it is authorized to seek cost recovery. The Board’s Enforcement Unit requests and ensures that each Accusation prepared by the Office of the Attorney General incorporates a request for cost recovery with reference to the applicable statute, Business and Professions Code Section 125.3. Upon receipt of a Proposed Decision, the Board reviews it to ensure it contains a finding by the administrative law judge regarding the reasonableness of the costs of investigation and prosecution of the case. If the Board ever received a Proposed Decision that failed to provide such a finding, it likely would be remanded back to the administrative law judge to incorporate a finding regarding the Board’s costs.

Cases that have been resolved by a Stipulated Settlement have included an order for full or partial costs, depending on the nature and severity of the violation, the respondent’s prior disciplinary record, mitigating evidence, the extent to which the respondent has cooperated with the Board and recognized and demonstrated a willingness to correct and/or take steps to prevent reoccurrence of their wrongdoing.

Efforts have not changed since the last sunset review as the Board continues to request cost recovery in every case that is adjudicated and requests restitution in those cases that warrant the request.

	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
Total Enforcement Expenditures	<i>HM to input</i>	<i>HM to input</i>	<i>HM to input</i>	<i>HM to input</i>	<i>HM to input</i>
Potential Cases for Recovery *	5	4	10	6	5
Cases Recovery Ordered	5	4	10	6	5
Amount of Cost Recovery Ordered	18	10	19	35	26
Amount Collected	7	9	9	19	11

\* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.

	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
Amount Ordered	0	0	0	150	0

Amount Collected	0	0	0	3	10
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## Section 6 – Public Information Policies

53. How does the board use the internet to keep the public informed of board activities?  
Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?
54. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long to webcast meetings remain available online?
55. Does the board establish an annual meeting calendar, and post it on the board's web site?
56. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?
57. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?
58. What methods are used by the board to provide consumer outreach and education?

## Section 7 – Online Practice Issues

59. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

## Section 8 – Workforce Development and Job Creation

60. What actions has the board taken in terms of workforce development?  
61. Describe any assessment the board has conducted on the impact of licensing delays.  
62. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.  
63. Describe any barriers to licensure and/or employment the board believes exist.  
64. Provide any workforce development data collected by the board, such as:
- Workforce shortages
  - Successful training programs.

## Section 9 – Current Issues

65. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?
66. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?
67. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.
- Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?
  - ~~If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?~~

## Section 10 – Board Actions and Responses to COVID-19.

**68. In response to COVID-19, has the board implemented teleworking policies for employees and staff?**

a. How have those measures impacted board operations? If so, how?

**69. In response to COVID-19, has the board utilized any existing state of emergency statutes?**

a. If so, which ones, and why?

**70. Pursuant to the Governor's Executive Orders N-40-20 and N-75-20, has the board worked on any waiver requests with the Department?**

a. Of the above requests, how many were approved?

b. How many are pending?

c. How many were denied?

d. What was the reason for the outcome of each request?

71. In response to COVID-19, has the board taken any other steps or implemented any other policies regarding licensees or consumers?

72. Has the board recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations?

## **Section 11 – Board Action and Response to Prior Sunset Issues**

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.

3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

## **Section 12 – New Issues**

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

## **Section 13– Attachments**

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

## Board Member Meeting Attendance

<b>Table 1.a.1 Board Member Richard Bookwalter Meeting Attendance</b>			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attend?</b>
Board Meeting	3/09 -10/2017	San Jose	Y
Board Meeting	4/7/2017	Special Teleconference	N
Board Meeting	4/13/2017	Special Teleconference	Y
Board Meeting	6/01 – 02/2017	Los Angeles	Y
Board Meeting	8/17 – 18/2017	San Diego	Y
Board Meeting	10/18 – 19/2017	Sacramento	Y
Board Meeting	2/08 – 09/2018	San Leandro	Y
Leg/Reg Affairs Committee Mtg	4/05/2018	Teleconference	Y
Board Meeting	4/11/2018	Teleconference	Y
Leg/Reg Affairs Committee Mtg	5/24/2018	Teleconference	Y
Board Meeting	5/31 -6/01/2018-	Sacramento	Y
Board Meeting	6/20/2018	Special Teleconference	Y
Board Meeting	8/23 – 24/2018	San Diego	Y
Board Meeting	9/5/2018	Special Teleconference	Y
Board Meeting	10/24 – 25/2018	Los Angeles	Y
Board Meeting	2/07 – 08/2019	Los Angeles	Y
Board Meeting	3/07/2019	Teleconference	Y
Board Meeting	4/10/2019	Teleconference	Y
Committee Meeting	4/12/2019	Teleconference	Y
Board Meeting	5/09 – 10/2019	San Diego	Y
Committee Meeting	6/21/2019	Teleconference	Y
Board Meeting	7/12/2019	Los Angeles	Y
Board Meeting	8/15 - 16/2019	San Francisco	Y
Board Meeting	11/14 – 15/2019	Sacramento	Y
Board Meeting	12/18/2019	Teleconference	Y
Board Meeting	1/30 - 31/2020	Sacramento	Y
Board Meeting	2/27 - 28/2020	Carson	Y
Board Meeting	5/7/2020	WebEx	Y
Board Meeting	6/24/2020	WebEx	Y
Board Meeting	8/13/2020	WebEx	Y
Board Meeting	11/06/2020	WebEx	Y
Board Meeting	2/25-26/2021	WebEx	Y
Board Meeting	4/01/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y

<b>Table 1a.2 Board Member Teresa Davies Meeting Attendance</b>			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attend?</b>
Board Meeting	3/09 -10/2017	San Jose	Y
Ad Hoc Committee Meeting	3/24/2017	Teleconference	Y
Ad Hoc Committee Meeting	4/03/2017	Teleconference	Y
Board Meeting	4/07/2017	Special Teleconference	Y
Board Meeting	4/13/2017	Special Teleconference	N
Board Meeting	6/01 – 02/2017	Los Angeles	Y
Board Meeting	8/17 – 18/2017	San Diego	Y
Board Meeting	10/18 – 19/2017	Sacramento	Y
Ad Hoc Committee Meeting	12/11/2017	Teleconference	N
Ad Hoc Committee Meeting	1/23/2018	Teleconference	N
Board Meeting	2/08 – 09/2018	San Leandro	Y
Meeting Board	4/11/2018	Teleconference	Y
Ad Hoc Committee Meeting	5/8/2018	Teleconference	N

<b>Table 1.a.3 Board Member Lynna Do Meeting Attendance</b>			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attend?</b>
Board Meeting	8/13/2020	WebEx	Y
Board Meeting	11/06/2020	WebEx	Y
Board Meeting	2/25-26/2021	WebEx	Y
Board Meeting	4/1/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y
Workgroup Meeting	7/26/2021	WebEx	Y



**Table 1.a.4 Board Member Jeffrey Ferro Meeting Attendance**

<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attend?</b>
Board Meeting	3/09 -10/2017	San Jose	Y
Board Meeting	4/07/2017	Special Teleconference	Y
Board Meeting	4/13/2017	Special Teleconference	Y
Board Meeting	6/01 – 02/2017	Los Angeles	Y
Board Meeting	8/17 – 18/2017	San Diego	Y
Board Meeting	10/18 – 19/2017	Sacramento	Y
Ad Hoc Committee Meeting	12/11/2017	Teleconference	Y
Ad Hoc Committee Meeting	1/23/2018	Teleconference	Y
Board Meeting	2/08 – 09/2018	San Leandro	Y
Board Meeting	4/11/2018	Teleconference	Y
Ad Hoc Committee Meeting	5/08/2018	Teleconference	Y
Board Meeting	5/31/2018 - 6/01/2018	Sacramento	Y
Board Meeting	6/20/2018	Special Teleconference	Y
Ad Hoc Committee Meeting	7/13/2018	Teleconference	Y
Board Meeting	8/23 – 24/2018	San Diego	Y
Board Meeting	9/5/2018	Special Teleconference	N
Board Meeting	10/24 – 25/2018	Los Angeles	N
Board Meeting	2/07 – 08/2019	Los Angeles	N
Board Meeting	3/07/2019	Teleconference	Y
Board Meeting	4/10/2019	Teleconference	Y
Board Meeting	5/09 – 10/2019	San Diego	Y
Committee Meeting	6/21/2019	Teleconference	N/A
Board Meeting	7/12/2019	Los Angeles	N
Board Meeting	8/15 – 16/2019	San Francisco	Y-8/16
Board Meeting	11/14 – 15/2019	Sacramento	Y-11/14
Board Meeting	12/18/2019	Sacramento	Y
Board Meeting	1/30 - 31/2020	Sacramento	Y
Board Meeting	2/27 - 28/2020	Carson	Y
Board Meeting	5/7/2020	WebEx	Y
Board Meeting	6/24/2020	WebEx	Y
Board Meeting	8/13/2020	WebEx	Y
Board Meeting	11/06/2020	WebEx	Y
Board Meeting	2/25-26/2021	WebEx	Y
Board Meeting	4/01/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y

<b>Table 1a.5 Board Member Laura Hayth Meeting Attendance</b>			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attend?</b>
Board Meeting	3/09 -10/2017	San Jose	Y
Board Meeting	4/07/2017	Special Teleconference	Y
Board Meeting	4/13/2017	Special Teleconference	N
Board Meeting	6/01 – 02/2017	Los Angeles	Y
Board Meeting	8/17 – 18/2017	San Diego	Y
Board Meeting	10/18 – 19/2017	Sacramento	Y
Board Meeting	2/08 – 09/2018	San Leandro	Y
Leg/Reg Affairs Committee Mtg	4/05/2018	Teleconference	N
Board Meeting	4/11/2018	Teleconference	Y
Board Meeting	5/31/2018 - 6/01/2018	Sacramento	Y
Board Meeting	6/20/2018	Special Teleconference	Y
Board Meeting	8/23 – 24/2018	San Diego	N
Board Meeting	9/5/2018	Special Teleconference	Y
Board Meeting	10/24 – 25/2018	Los Angeles	Y
Board Meeting	2/07 – 08/2019	Los Angeles	N
Board Meeting	3/07/2019	Teleconference	Y
Board Meeting	4/10/2019	Teleconference	Y
Board Meeting	5/09 – 10/2019	San Diego	Y
Board Meeting	7/12/2019	Los Angeles	Y
Board Meeting	8/15 – 16/2019	San Francisco	Y
Board Meeting	11/14 – 15/2019	Sacramento	N
Board Meeting	12/18/2019	Sacramento	N

<b>Table 1.a.6 Board Member Denise Miller Meeting Attendance</b>			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attend?</b>
Board Meeting	3/09 -10/2017	San Jose	Y
Ad Hoc Committee Meeting	3/24/2017	Teleconference	Y
Ad Hoc Committee Meeting	4/03/2017	Teleconference	Y
Board Meeting	4/07/2017	Special Teleconference	Y
Board Meeting	4/13/2017	Special Teleconference	Y
Board Meeting	6/01 – 02/2017	Los Angeles	Y
Board Meeting	8/17 – 18/2017	San Diego	Y
Board Meeting	10/18 – 19/2017	Sacramento	Y
Board Meeting	2/08 – 09/2018	San Leandro	Y
Board Meeting	4/11/2018	Teleconference	Y
Board Meeting	5/31/2018 - 6/01/2018	Sacramento	Y

Board Meeting	6/20/2018	Special Teleconference	Y
Board Meeting	8/23 – 24/2018	San Diego	Y
Board Meeting	9/5/2018	Special Teleconference	Y
Board Meeting	10/24 – 25/2018	Los Angeles	Y
Board Meeting	2/07 – 08/2019	Los Angeles	Y
Board Meeting	3/07/2019	Teleconference	Y
Board Meeting	4/10/2019	Teleconference	Y
Board Meeting	5/09 – 10/2019	San Diego	Y
Board Meeting	7/12/2019	Los Angeles	Y
Board Meeting	8/15 – 16/2019	San Francisco	Y
Board Meeting	11/14 – 15/2019	Sacramento	Y
Board Meeting	12/18/2019	Teleconference	Y
Board Meeting	1/30 - 31/2020	Sacramento	Y
Board Meeting	2/27 - 28/2020	Carson	Y
Board Meeting	5/7/2020	WebEx	Y
Board Meeting	6/24/2020	WebEx	Y
Board Meeting	8/13/2020	WebEx	Y
Board Meeting	11/06/2020	WebEx	Y
Board Meeting	2/25-26/2021	WebEx	Y
Board Meeting	4/01/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y
Fieldwork Communications Workgroup Meeting	7/26/2021	WebEx	Y

<b>Table 1.a.7 Board Member Beata Morcos Meeting Attendance</b>			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attend?</b>
Board Meeting	3/09 -10/2017	Sacramento	Y
Board Meeting	4/07/2017	Special Teleconference	Y
Board Meeting	4/13/2017	Special Teleconference	Y
Board Meeting	6/01 – 02/2017	Los Angeles	Y
Board Meeting	8/17 – 18/2017	San Diego	Y
Board Meeting	10/18 – 19/2017	Sacramento	N
Board Meeting	2/08 – 09/2018	San Leandro	Y
Board Meeting	4/11/2018	Teleconference	Y
Board Meeting	5/31/2018 & 6/1/2018	Sacramento	Y
Board Meeting	6/20/2018	Special Teleconference	N
Board Meeting	8/23 – 24/2018	San Diego	Y
Board Meeting	9/5/2018	Special Teleconference	Y
Board Meeting	10/24 – 25/2018	Los Angeles	Y

Board Meeting	2/07 – 08/2019	Los Angeles	Y
Board Meeting	3/07/2019	Teleconference	N
Board Meeting	4/10/2019	Teleconference	Y
Board Meeting	5/09 – 10/2019	San Diego	Y
Board Meeting	7/12/2019	Los Angeles	Y
Board Meeting	8/15 – 16/2019	San Francisco	Y
Board Meeting	11/14 – 15/2019	Sacramento	Y
Board Meeting	12/18/2019	Sacramento	Y
Board Meeting	1/30 - 31/2020	Sacramento	Y
Board Meeting	2/27 - 28/2020	Carson	Y
Board Meeting	5/7/2020	WebEx	Y
Board Meeting	6/24/2020	WebEx	Y
Board Meeting	8/13/2020	WebEx	Y
Board Meeting	11/06/2020	WebEx	Y
Board Meeting	2/25-26/2021	WebEx	Y
Board Meeting	4/01/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y

<b>Table 1.a.9 Board Member Sharon Pavlovich Meeting Attendance</b>			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attend?</b>
Board Meeting	3/09 -10/2017	San Jose	Y
Ad Hoc Committee Meeting	3/24/2017	Teleconference	Y
Ad Hoc Committee Meeting	4/03/2017	Teleconference	Y
Board Meeting	4/07/2017	Special Teleconference	Y
Board Meeting	4/13/2017	Special Teleconference	Y
Board Meeting	6/01 – 02/2017	Los Angeles	Y
Board Meeting	8/17 – 18/2017	San Diego	Y
Board Meeting	10/18 – 19/2017	Sacramento	Y
Ad Hoc Committee Meeting	12/11/2017	Teleconference	Y
Ad Hoc Committee Meeting	1/23/2018	Teleconference	Y
Board Meeting	2/8 – 09/2018	San Leandro	Y
Leg/Reg Affairs Committee Mtg	4/05/2018	Teleconference	N
Board Meeting	4/11/2018	Teleconference	Y
Ad Hoc Committee Meeting	5/08/2018	Teleconference	Y
Board Meeting	5/31/2018 - 6/01/2018	Sacramento	Y
Board Meeting	6/20/2018	Special Teleconference	Y
Board Meeting	8/23 – 24/2018	San Diego	Y
Board Meeting	9/5/2018	Special Teleconference	Y
Board Meeting	10/24 – 25/2018	Los Angeles	Y
Board Meeting	2/07 – 08/2019	Los Angeles	Y

Board Meeting	3/07/2019	Teleconference	Y
Board Meeting	4/10/2019	Teleconference	Y
Board Meeting	5/09 – 10/2019	San Diego	Y
Board Meeting	7/12/2019	Los Angeles	Y
Board Meeting	8/15 - 16/2019	San Francisco	Y
Board Meeting	11/14 – 11/15/2019	Sacramento	N
Board Meeting	12/18/2019	Sacramento	Y
Board Meeting	1/30 - 31/2020	Sacramento	Y
Board Meeting	2/27 - 28/2020	Carson	Y
Board Meeting	5/7/2020	WebEx	Y
Board Meeting	6/24/2020	WebEx	Y
Board Meeting	8/13/2020	WebEx	Y
Board Meeting	11/06/2020	WebEx	Y
Board Meeting	2/25-26/2021	WebEx	Y
Board Meeting	4/01/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y