



## TELECONFERENCE BOARD MEETING MINUTES

September 13, 2021

### Board Member(s) Present

Sharon Pavlovich – President  
Jeff Ferro – Vice President  
Beata Morcos – Secretary  
Richard Bookwalter – Board Member  
Lynna Do – Board Member  
Denise Miller – Board Member

### Board Staff Present

Heather Martin – Executive Officer  
Jody Quesada – Associate Analyst  
Helen Geoffroy – Attorney III

### 9:00 am - Board Meeting

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

##### *Due to technical difficulties*

The meeting was called to order at 9:22 a.m., roll was called, a quorum was established. All Board members were present.

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

President Pavlovich welcomed everyone present and commented that there was so much going on in the world with the 20<sup>th</sup> anniversary of 9/11 and her thoughts are with the country during this difficult time. Ms. Pavlovich also reminded all in attendance that the Occupational Therapy Association of California (OTAC) was still offering Early Bird registration for its October 21-24 virtual Annual Conference & Innovation.

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

There were no Board Member remarks.

#### 4. Public Comment Session for items not on the Agenda.

Executive Officer Heather Martin referenced a public comment that was emailed to the Board from an out-of-state Academic Fieldwork Coordinator asking if the California Board of Occupational Therapy (CBOT) had any guidance on the potential for those out of state students to complete their clinical education in California.

Ms. Martin was asked why the comment was anonymous and she replied that staff always does a copy and paste when the original correspondence includes details like email addresses and or contact information.

DCA Attorney Helen Geoffroy stated that it would be acceptable to share a name but should not include contact information.

Board member Lynna Do stated the issue of out of state students completing fieldwork in California was a topic being discussed amongst the Fieldwork Communications Workgroup (FCW) and asked if this comment could be shared at the next FCW meeting.

The Board decided to send the letter to the FCW for initial review and the Board would consider the recommendation from the committee regarding this public comment.

- Lynna Do moved to send the comment to the FCW to review and make a recommendation to the Board, Board staff to inform the author of the inquiry that it will be addressed at a future FCW meeting and invite them to attend the WebEx meeting.
- Richard Bookwalter seconded the motion.

### **Public Comment**

There was no public comment.

#### **Board Member Votes**

Richard Bookwalter:	Yes
Sharon Pavlovich:	Yes
Lynna Do:	Yes
Jeff Ferro:	Yes
Denise Miller:	Yes
Beata Morcos:	Yes

**The motion carried.**

### **5. Ad Hoc OTD Committee report to the Board.**

Board President and Committee Chairperson Sharon Pavlovich reported that the Ad Hoc OTD Committee met August 16, 2021, and the discussion centered around accreditation standards, Entry Level programs versus Post Professional programs, the requirements for licensure and supervision as they pertain to the doctoral Capstone. Ms. Pavlovich reported that the committee is comprised of the Academic Fieldwork Coordinators of approximately eight California Occupational Therapy (OT) programs that produced a robust discussion surrounding the need to clarify and align the Board's laws and regulations with the Accreditation standards as they pertain to OTD programs. Ms. Pavlovich reported that the committee was hoping to present a recommendation to the Board at the October Board meeting.

### **6. Fieldwork Communications Workgroup report to the Board.**

Board Member and Committee Chairperson Lynna Do reported that the Fieldwork Communications Workgroup (FCW) reported that the August 9<sup>th</sup> meeting minutes were included in the Board meeting materials and that the second and third FCW meetings had to be cancelled due to quorum and technical issues respectively.

Ms. Do informed the Board members that the next FCW meeting will consist of the feedback and a possible approval of the 'draft' letters that will be sent to healthcare administrators and licensees to stress the importance of supervising Level II fieldwork.

Ms. Do and Committee member Denise Miller informed the Board that one stand out problems that Academic Fieldwork Coordinators reported on is that out of state students are able to secure fieldwork placements in California; however, California students are not being afforded the same opportunities in other states. Additionally, certain states make it a practice to only place students from their state. Ms. Miller commented that the FCW may make a similar recommendation to the Board in the future.

President Pavlovich commented that Loma Linda University had students that are taking a leave of absence or postponing their Level II fieldwork due to fieldwork sites requiring vaccines. She noted that this may negatively impact fieldwork placement in the future when those students decide they need placement.

#### **Public Comment**

There was no public comment.

#### **7. Discussion and possible action on Fieldwork Communications Workgroup report.**

Ms. Pavlovich thanked Chairperson Do and Board member Miller and expressed her appreciation for the Fieldwork Communications Workgroup's work.

Ms. Pavlovich said that she and the Board looked forward to receiving the recommendations from the Workgroup at a future meeting.

#### **Public Comment**

There was no public comment.

#### **8. Board staff update on Occupational Therapy Licensure Compact.**

Executive Officer Heather Martin stated that the Occupational Therapy (OT) Licensure Compact had nine of the 10 states needed to enact the compact.

Richard Bookwalter reported that Wisconsin was still in position to get their compact legislation passed in 2021 which would make Wisconsin the tenth state and subsequently enact the OT Licensure compact. Mr. Bookwalter also reported that a current and major topic of discussion for the Council of State Governments is reciprocity and how it pertains to the licensure compact.

#### **Public Comment**

There was no public comment.

## **9. Discussion and possible action on Occupational Therapy License Compact.**

There was no additional discussion among the Board members and President Pavlovich stated that the OT Licensure Compact would remain a standing item on future Board meeting agendas.

### **Public Comment**

There was no public comment.

## **10. Executive Officer's Report.**

### **a. Operational and budget reports.**

Executive Officer Heather Martin reported that during the month of July the Board lost three employees (due to promotion, retirement, and health issues), and would lose a fourth person on September 13, 2021, due to a promotion. Regarding the two Enforcement vacancies, the positions were at the point of holding interviews. Ms. Martin summarized the next few hiring packages would include hiring a Retired Annuitant to assist Enforcement, redirecting an analyst position from Enforcement to Licensing and Administration to provide additional administrative support, reclassifying a vacant position to a Staff Services Manager I to oversee the Licensing and Administration Unit. and redirecting an Office Technician back to Enforcement to assist with opening complaints and other Enforcement support duties.

Ms. Martin stated that she included the following documents for the Board's review:

- Revenue earned through Fiscal month (FM) 12: \$2,479,231
- Expenditures through FM 12: \$2,618,301.
- Fund Condition through Fiscal Year 2023-24.

Ms. Martin commented that what can be ascertained from review of the Fund Condition is that the Board needs a fee increase or to drastically reduce services and staffing so that expenditures can be reduced. Despite the Board 'underspending' its authorized budget and reverting money each year back to its fund, the Board's expenditures exceed the revenue collected each year. Additionally, to ask the Legislature to increase the renewal fee, a fee study would need to be conducted by a third party. The cost for a fee study cost is between \$32k-50k.

An intense discussion ensued with the Board asking for all other options to be exhausted prior to a fee study being ordered.

Denise Miller asked Executive Officer Heather Martin to compile and bring before the Board a list of all the ways that Board staff can reduce expenditures including a few years of Enforcement expenditure data and projected expenditures.

President Pavlovich was adamant that staff reduction and or not filling vacancies made no sense and would result in staff burn-out and the Board not being able to uphold its mandate of protecting the public.

Ms. Martin told the Board that even if the Board did not ask for legislation to rectify the budget during the Sunset Review, the Legislators will recognize the downward trend in the Board's fund and inquire. Ms. Martin said it would be better for the Board to address it first.

The Board thanked Ms. Martin for being so thorough and for her willingness to compile a list of every way she could think of to reduce expenditures and bring it before the Board for review at a future meeting.

### **Public Comment**

There was no public comment.

#### **b. Licensing and enforcement data.**

Included in the materials were the following:

- Application/Licensing data April 1 – June 30, 2021 (hereafter Q4).
- Application/Licensing data July 1, 2020 – June 30, 2021 (hereafter Annual)
- Q4 Complaint data
- Annual Complaint data
- Cases pending at the AGO
- Pending complaint/enforcement case info.
- Q4 Citations data.
- Summary of citations issued in FY 2020-21.
- Q4 Final Decisions.
- All Final Decisions issued in FY2020-21.
- Listing of current probationers.

The Board reviewed the included licensing and enforcement data.

President Pavlovich suggested that the Board educate licensees about the most frequently violated regulations.

A further suggestion was made to utilize licensee email addresses as the mode of education.

Ms. Martin advised the Board that email disclosure is optional thus the pool of email addresses the Board has is very small.

### **Public Comment**

There was no public comment.

#### **c. Listing of Committee appointments**

Ms. Martin referenced the listing of Committees and members.

Board Secretary Beata Morcos volunteered to fill in on any committee in which she's needed in addition to her service on the Sunset Review committee.

After expressing interest in joining the Legislative Affairs committee, President Pavlovich appointed Secretary Beata Morcos and Board member Lynna Do.

Ms. Martin stated that the Legislative Affairs committee would not meet until Spring of 2022.

Board member and Chairperson of the Practice committee Denise Miller informed her fellow Board members that additional volunteers for the Practice committee were still needed.

Board Member Lynna Do volunteered to join the Practice committee.

President Pavlovich appointed Ms. Do to the Practice committee.

### **Public Comment**

There was no public comment.

#### **d. Listing of future agenda items previously approved by the Board.**

Ms. Martin referenced the listing of future agenda items.

### **Public Comment**

There was no public comment.

#### **e. Other informational items (no Board action can be taken)**

Ms. Martin reported that although dates and details are fluid, as of now, Board staff that have not shown proof of COVID vaccination will be subject to weekly testing. There is no cost to the Board for this.

DCA reported that recent amendments to the Bagley-Keene Open Meetings Act would allow virtual meetings to continue until January 31, 2022. The bill still needs to get passed by the Legislature and signed by the Governor in order to become effective. Ms. Martin stated that DCA is committed to working on this issue with the Legislature during recess so a longer extension can eventually be put into place early in the new legislative session.

### **Public Comment**

There was no public comment.

#### **11. Suggested agenda items for a future meeting.**

Richard Bookwalter asked that the following topics be added to a future agenda:

- Considering an increase in fees.
- Increasing PDUs earned for fieldwork supervision
- Revisit the 2016 Sunset Review issue of adding an ethics course, juris prudence exam, or attestation to reading the laws and regulations.
- OTAC's member survey suggesting the Board should add a continuing education requirement to include diversity and/or inclusion.

Ms. Martin stated that she advised OTAC President Bryant Edwards that the OTAC letter regarding this survey would be included on the October 21, 2021, Board meeting agenda.

President Pavlovich asked Board staff to ensure that Board member Denise Miller's request to provide the Board with a list of all the ways that Board staff can reduce expenditures including a few years of Enforcement expenditures and projected expenditures be included in a future meeting.

Additionally, Ms. Pavlovich asked that the topic of whether Web Ex Board meetings will become the new normal and the potential cost savings of holding Web Ex meetings versus in-person meetings be added to a future meeting.

**Public Comment**

There was no public comment.

**CONVENE CLOSED SESSION**

The Board convened in Closed Session at 1:16 p.m. to discuss and render decisions on Disciplinary matters.

**RECONVENE IN OPEN SESSION**

The Board reconvened in Open Session at 1:52 p.m.

**Adjournment.**

The Board meeting adjourned at 1:53 p.m.