

- 18. What are the board’s performance targets/expectations for its licensing¹ program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

CCR section 4112 requires that the Board provide written notice to an applicant whether their application is complete or deficient within 30 days of the Board’s receipt of the application. Internal statistics for the last three fiscal years reflect that the Board is meeting the established expectation. It takes the Board about 22-28 days to provide an applicant written notice whether the application is complete (and approved) or whether additional documentation is required.

- 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?**

The Board is meeting its regulatory goal in processing applications and notifying applicants within 30 days of the status of their application, so pending applications have not grown at a rate that is not manageable. On occasion, when the Board has been in jeopardy of exceeding the 30-day notification period, it has been able to redirect staff resources. These occasions usually occur for very short durations and happen around graduation periods. The Board will continue to monitor the processing times and take appropriate steps to seek additional staff through the BCP process and/or consider legislative or regulatory change if it is not able to meet the standards established in CCR section 4112.

Table 6. Licensee Population

		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	2,716	2,946
	Out-of-State	2,273	2,625	3,041	3,523	3,557
	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	3,641	3,727
	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 <u>not</u> accounted for in the active and inactive totals.						

Table 7a. Licensing Data for Occupational Therapists

	Application Type	Received	Approved	Issued	Pending Applications	Cycle Times	
					Total (Close of FY)	Complete Apps	Incomplete Apps
FY	License	1,330	1,192	1,177	55	34	66
2016-17	Renewal		6,131				
FY	License	1,443	1,337	1,308	89	29	68
2017-18	Renewal		6,213				
FY	License	1,377	1,301	1,377	65	27	71
2018-19	Renewal		6,552				
FY	License	1,105	1,191	1,160	94	31	76
2019-20	Renewal		6,859				
FY	License	1,550	1,256	1,203	148	26	75
2020-21	Renewal		7,034				

7a. Licensing Data for Occupational Therapist Assistants

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

Table 7b. Total Licensing Data

	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
Initial Licensing Data for OTs and OTAs:					
OT Licenses Issued					
Initial OT License/Initial Applications Received	1,330	1,443	1,377	1,105	1,488
Initial OT License/Initial Applications Approved	1,192	1,337	1,301	1,191	1,256
Initial OT License/Initial Applications Closed	1,177	1,308	1,377	1,160	1,203
OTA Licenses Issued					
Initial OTA License/Initial Applications Received	500	520	503	412	427
Initial OTA License/Initial Applications Approved	430	477	455	419	381
Initial OTA License/Initial Applications Closed	403	471	489	403	366
Initial License Application Pending Data					
Pending OT Applications (total at close of FY)	55	89	65	94	148
Pending OT Applications (outside of board control)*	Data not available				
Pending OT Applications (within the board control)*	Data not available				

Pending OTA Applications (total at close of FY)	40	32	31	38	34
Pending OTA Applications (outside of board control)*	Data not available				
Pending OTA Applications (within the board control)*	Data not available				

Initial License/Initial Cycle Time Data (WEIGHTED AVERAGE) for OT and OTA:					
	FY 2016-17	FY 2017-18	FY 2018- 19	FY 2019-20	FY 2020-21
Average Days to OT Application Approval (All – Complete/Incomplete)	47	48.5	49	53.5	50
Average Days to OT Application Approval (incomplete applications)*	66	68	27	31	74
Average Days to OT Application Approval (complete applications)*	28	29	71	76	26
Average Days to OTA Application Approval (All – Complete/Incomplete)	50.5	52.5	51.5	54.5	55.5
Average Days to OTA Application Approval (incomplete applications)*	27	30	27	31	84
Average Days to OTA Application Approval (complete applications)*	74	75	76	78	27
License Renewal Data:					
License Renewed	See Table 7a above				

20. 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.

Figure 3. APPLICATIONS DENIED BASED ON CRIMINAL HISTORY								
	FY 2017-18	Type	FY 2018-19	Type	FY 2019-20	Type	FY 2020- 21	Type
Applications Denied	0		2	Result of SOIs from FY 2017-18	0		0	
SOIs Filed	2	App 1 – A(3x), B, C, D App2 - E	0		1	F	0	
SOIs Withdrawn	0		0		0		1	Result of SOI from FY 2019-20
SOIs Dismissed	0		0		0		0	
SOIs Declined	0		0		0		0	

21. 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 Live Scan 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 Live Scan 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 applications were approved in order to verify whether an applicant has been convicted of crimes in the past, and 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.

22. 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 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.

23. 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?

24. 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.

Since 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

25. 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?

Pursuant to BPC Section 2570.7, each applicant for licensure shall successfully complete the entry level certification examination for occupational therapists or occupational therapy assistants. The national examinations determine whether a candidate for licensure is able to demonstrate entry-level competence as an occupational therapist or occupational therapy assistant. The passage of the national examinations administered by NBCOT is a minimum licensure requirement for the United States and Puerto Rico.

Currently, a California specific examination is not required. A review of the national examinations will assess the validity of the examination content for California practice and determine if competencies unique to California need to be assessed via a California specific examination.

The national examinations are not offered in other languages.

26. 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?

The National examinations data is not available by fiscal year; NBCOT has provided pass rates by calendar year only.

Table 8. Examination Data		
License Type		Occupational Therapist
Exam Title		<i>OCCUPATIONAL THERAPIST REGISTERED - OTR</i>
FY 2016/17	# of 1 st Time Candidates	6,787
	Pass %	80.23%
FY 2017/18	# of 1 st Time Candidates	7,321
	Pass %	81.87%
FY 2018/19	# of 1 st Time Candidates	7,959
	Pass %	82.35%
FY 2019/20	# of 1 st time Candidates	7,259
	Pass %	82.74%
FY 2020/21	# of 1 st time Candidates	8,469
	Pass %	84.38%
Date of Last OA		2017
Name of OA Developer		NBCOT
Date of next OA		2022
License Type		Occupational Therapy Assistant
Exam Title		<i>CERTIFIED OCCUPATIONAL THERAPY ASSISTANT – COTA</i>
FY 2016/17	# of 1 st Time Candidates	4,732
	Pass %	76.14%
FY 2017/18	# of 1 st Time Candidates	4,980
	Pass %	75.64%
FY 2018/19	# of 1 st Time Candidates	4,775
	Pass %	76.46%
FY 2019/20	# of 1 st time Candidates	3,786
	Pass %	75.46%
FY 2020/21	# of 1 st time Candidates	4,140

Table 8. Examination Data	
Pass %	79.69%
Date of Last OA	2017
Name of OA Developer	NBCOT
Date of Next OA	2022

27. 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 if 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.

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

There are no statutory barriers or inefficiencies that hinder the processing of applications. The application process required in California is fairly consistent across the United States, including completing educational programs accredited by ACOTE and passage of the examinations administered by NBCOT.

School approvals

29. 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?

The ACOTE approves all occupational therapy educational programs; the Board does not work directly with BPPE.

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

Not applicable; the Board does not approve, review, remove schools.

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

Not applicable; the Board does not approve schools or educational programs.

Continuing Education/Competency Requirements

32. 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?

On the renewal application, licensees are required to self-certify, under penalty of perjury, that they have completed 24 PDUs as a condition of renewing their license with active status. Certificates of completion are not required to be submitted at the time of renewal.

Due to access limitations the Board did not move forward with using cloud- based access. However, the Board has requested a request a change in BrEZe that would allow the license to upload copies of their continuing education certificates at the time of renewal. This could be a convenient repository of documentation for the licensee that could also be used by Board staff in the event the licensee's renewal is audited in the future. If the licensee chooses to not upload their certificates at the time of renewal but are later audited, the licensee will be given an option to access their BrEZe account to upload copies of the certificates or to mail hard copies.

- b. Does the board conduct CE audits of licensees? Describe the board’s policy on CE audits.

The Board randomly audits renewing licensees to determine compliance with the PDU requirement. The Board has established a goal of conducting audits on 10-15% of its active renewals.

- c. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

Please see Figure X, Continuing Competence Audit Data.

Figure 4. Continuing Education/Competence Audit Data				
	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
Number of audits conducted	619	743	1253	225
Number of audits passed	458	569	1021	140
Number of audits with <i>no response</i> from licensee	38	74	101	14
Number of audits failed	77	79	63	n/a
Percentage of audits failed	12.43	10.63	5	n/a

Table 8a. Continuing Education			
License Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
Occupational Therapist	Biennially	24	10-15%
Occupational Therapy Assistant	Biennially	24	10-15%

- d. What are consequences for failing a CE audit?

A citation and fine is issued to licensees who fail to respond to the Board’s letters auditing a renewal or who fail to demonstrate completion of the 24 PDUs required for renewal. The citation includes an Order of Abatement that requires the licensee to complete the deficiency that exists, be it as few as one hour or the full 24 hours.

Licensees that fail to comply with the Order of Abatement are referred to the Office of the Attorney General (AGO) formal disciplinary action against their license.

- e. What is the board’s course approval policy?

The Board does not approve continuing education courses or the companies that provide courses. However, CCR section 4161(b) states that activities acceptable to the Board include, but are not limited to, programs or activities sponsored by the American Occupational Therapy Association or the Occupational Therapy Association of California.

The Board also accepts coursework or programs that contributes directly to professional knowledge, skill, and ability and is objectively measurable in terms of the hours involved.

Licensees can meet the continuing competence requirement in a variety of ways other than paying a provider and completing courses.

For example, licensees can supervise a student completing the fieldwork required by their educational program; participate in structured special interest or study groups; mentor a practitioner or structured mentoring with an individual skilled in a particular area; publish an article in a peer-reviewed or non-peer reviewed publication; publish a chapter in an occupational therapy or related professional textbook; attend a Board meeting or Board outreach activity.

- f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

The Board does not approve CE providers or courses.

- g. How many applications for CE providers and CE courses were received? How many were approved?

Not applicable; no data to report.

- h. Does the board audit CE providers? If so, describe the board's policy and process.

The Board does not audit continuing education providers.

- 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.

Due to the lack of evidence-based research available, the Board is not planning to move forward with performance-based assessments of licensees at this time.