

## **AGENDA ITEM 5**

### **SUNSET REVIEW COMMITTEE'S REPORT AND RECOMMENDATION(S) TO THE BOARD REGARDING:**

The following are attached for review:

- a) Acceptance of the October 14, 2021, Committee meeting.
- b) Highlights from the November 16, 2021, Committee meeting and draft Sunset Report with recommended Committee updates.



## **TELECONFERENCE SUNSET REVIEW COMMITTEE MEETING MINUTES**

**Wednesday, October 14, 2021**

### **3:00 pm – Committee Meeting**

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

Chairperson Sharon Pavlovich called the meeting to order at 3:00pm. Board staff called the roll and a quorum was established.

Committee Members Present

Board President – Sharon Pavlovich  
 Board Secretary – Beata Morcos  
 Board Member – Richard Bookwalter  
 Board Member – Denise Miller

Committee Members Absent

N/A

Board Staff Present

Heather Martin – Executive Officer  
 Jody Quesada Novey – Associate Analyst

#### **2. Chairperson opening remarks.**

Chairperson Sharon Pavlovich welcomed everyone in attendance and thanked Board staff for their meeting preparation.

#### **3. Public Comment Session for items not on the Agenda.**

Public Comment

There was no public comment.

#### **4. Review and approval of the September 1, 2021, Committee meeting minutes.**

Three non substantive fixes were requested by the committee. Executive Officer Heather Martin made the changes in real time.

- Beata Morcos moved to accept the September 1, 2021, Committee meeting minutes.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

### Committee Member Votes

Richard Bookwalter: Yes  
Sharon Pavlovich: Yes  
Denise Miller: Yes  
Beata Morcos: Yes

**The motion carried.**

#### **5. Review of draft 2021 Sunset Report prepared to date and possible recommendation to Board to approve.**

The Committee reviewed drafts of several sections of the 2021 Sunset Report. Listed below by section, are the questions the Committee recommended the Board approve the response in the 2021 Sunset Report

##### *Section 1*

The background was reviewed, including a description of occupational therapy. The committee decided to revisit this topic at the end of the meeting.

***The committee revisited the description of occupational therapy following their review of the Performance Measures.***

Mr. Bookwalter presented his offered definition and the fact that he borrowed from AOTA. The committee requested that Mr. Bookwalter email a copy of his work to Ms. Martin so that she could share it via WebEx and the committee could discuss the document. Ms. Miller asked that “either in person or through telehealth services” or a similar phrase be added to the bottom of paragraph 2.

Ms. Martin made the changes real time and suggested that if the language was acceptable to the committee she would strike all the entries she made in Section 1 of the report, copy and paste the current suggestions and give credit to AOTA.

- Richard Bookwalter moved to present Ms. Martin’s melded ‘real time’ language to the Board at the following week’s meeting.
- Beata Morcos seconded the motion.

### **Public Comment**

There was no public comment.

### Committee Member Votes

Richard Bookwalter: Yes  
Sharon Pavlovich: Yes  
Denise Miller: Yes  
Beata Morcos: Yes

**The motion carried.**

The responses to questions 1, 2, 3 (excluding third bullet regarding regulatory amendments), 4 (with edits), and 5, were approved.

- Richard Bookwalter moved to empower Board staff to incorporate the changes made in Section 1.
- Denise Miller seconded the motion.

### **Public Comment**

There was no public comment.

#### **Committee Member Votes**

Richard Bookwalter: Yes  
Sharon Pavlovich: Yes  
Denise Miller: Yes  
Beata Morcos: Yes

**The motion carried.**

#### *Section 2*

Section 2 was reviewed. Due to several suggested edits, this information was to be revised by staff, brought back in its entirety and reviewed by the Committee at its next meeting.

#### *Section 3*

The committee accepted the responses to questions 3, 4, 5, 6, 7 and 10. Question 8 needed a non-substantive change regarding “on-going” and Question 10 required removal of an unneeded sentence in the 3rd line beginning with “licensee’s birth month...”

- Richard Bookwalter moved to accept Section 3, responses to questions 3-8 and 10 with the discussed changes and required Board staff to bring back question 9 after the proposed edits were made.
- Beata Morcos seconded the motion.

### **Public Comment**

There was no public comment.

#### **Committee Member Votes**

Richard Bookwalter: Yes  
Sharon Pavlovich: Yes  
Denise Miller: Yes  
Beata Morcos: Yes

**The motion carried.**

#### *Section 5*

The committee directed Board staff per question and as follows:

Question 34 – The response was incomplete and would be brought back for review.

Question 35 – The response was incomplete and would be brought back for review.

Question 36 – The response was incomplete and would be brought back for review.

Question 37 – The committee accepted the response as presented.

Question 38 – The response to 38a was accepted, however, the response to 38b needed a response provided. Board staff would update the response. The committee decided further review was unneeded.

Question 39 – Board staff to bring the response back in its entirety with graphs.

Question 40 - The committee accepted the response as presented.

Question 41 - Board staff to update the response and bring back for review.

Question 42 – “patient” to be replaced with “consumer” throughout and put the bullet points in a paragraph format.

Question 43 - The committee accepted the response as presented.

Question 44 – Label the table as ‘figures’ and add a clear numbering system and bring back.

Question 45 – Remove the row that includes “Amount collected by FTB...”. The committee decided further review was unneeded.

Question 46 and 47 - The committee accepted these responses as presented.

Question 48 – Remove the typo (ge) and update the format of the table to make it clear and consistent, bring back for review.

Question 49 – Make the same changes as requested for Question 48 and bring back for review.

Question 50 and 51 - The committee accepted the responses as presented.

Question 52 – Eliminate the table, the committee decided further review was unneeded.

- Richard Bookwalter moved to accept the responses to questions 37, 38, 40, 43, 45, 46, 47, 50, 51, and 52 as presented and to ask Board staff to make discussed changes to Questions 34, 35, 36, 39, 41, 42, 44, 48, and 49 and bring back to the committee for review.
- Beata Morcos seconded the motion.

#### **Public Comment**

There was no public comment.

### Committee Member Votes

Richard Bookwalter: Yes  
Sharon Pavlovich: Yes  
Denise Miller: Yes  
Beata Morcos: Yes

### **The motion carried.**

- The performance measures (PM) with information for fiscal years 2016-17 through 2020-2021 were reviewed. Several suggestions were provided to improve the display and presentation of the various data in the PM graphs.
  - Richard Bookwalter moved to have Board staff to bring back the attachments with the proposed changes.
  - Denise Miller seconded the motion.

### **Public Comment**

There was no public comment.

### Committee Member Votes

Richard Bookwalter: Yes  
Sharon Pavlovich: Yes  
Denise Miller: Yes  
Beata Morcos: Yes

### **The motion carried.**

## **6. Review and discussion of possible legislative proposals to recommend the Board include in the 2021 Sunset Report.**

Ms. Martin stated that adding the discussion of possible legislative proposals to recommend to the Board was premature and the committee would need recommendations from the next Board meeting so that the Sunset committee could review them.

Chairperson Sharon Pavlovich thanked everybody in attendance for their participation and taking time out of their busy schedules.

The meeting adjourned at 5:49 pm.



## TELECONFERENCE SUNSET REVIEW COMMITTEE

### MEETING HIGHLIGHTS

Tuesday, November 16, 2021

- Meeting was called to order at 4:00 pm and all committee members were present. The committee members are:
  - Sharon Pavlovich – Chairperson
  - Richard Bookwlater
  - Denise Miller
  - Beata Morcos
- The Committee reviewed and unanimously approved the October 14, 2021, Committee meeting minutes.
- The Committee reviewed a draft copy of the 2021 Sunset Report. Listed below by section, are the recommendations of the Committee for Board review and approval.

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

- Paragraph 1 - delete “Chapter 697/00 (SB 1046)”.
- Paragraph 4, Sentence 1 - add “, habilitation” to paragraph 3, sentence 1. The sentence will read:

“Occupational therapy licensees provide important health, habilitation and rehabilitation....”

The committee unanimously voted to recommend the Board adopt Section 1 with the requested changes.

#### Section 2 Performance Measures and Customer Satisfaction Surveys

Section 2, Question 7, Sentence 3 - move the sentence “Due to the subscription expiration, the prior survey responses could not be retrieved.” to the end of Paragraph 1.

Section 2, Question 7 - add a new paragraph at the conclusion of the section that would advise the Legislature of how the Board is mitigating the problem. This would include information that the Board's Survey Monkey subscription was renewed and the survey would be added to the Board's website. Staff also indicated that this information would be sent to licensees that the Board has an email address on file and posted on social media.

The committee unanimously voted to recommend the Board adopt Section 2 with the requested changes.

### Section 3 Fiscal and Staff

The committee unanimously voted to recommend the Board adopt Section 3 as prepared.

### Section 4 Licensing Program

- Section 4 Title - Delete the backslash that proceeds the "Section 4" title at the top of the page.
- Question 18 - Delete the small #1 in the actual question that follows the word "licensing"; there is not a footnote in this section to warrant the use of such an indicator.
- Question 21a, Paragraph 3 - delete "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."
- The committee unanimously voted to recommend the Board adopt Section 2 with the requested changes.

### Section 5 Enforcement Program

- Question 34, second to last paragraph - add italics to "The Probation Intake Target Time is 10 days,".
- Question 34, last paragraph - add italics to "The Probation Violation(s) Target Time is 10 days,".
- Question 41, Paragraph 3 – delete the hyphen from "on-line"
- Question 41, Paragraph 3 – add "at search.dca.ca.gov" following "online".

The committee unanimously voted to recommend the Board adopt Section 5 with the requested changes.

### Section 6 Public Information Policies

The committee unanimously voted to recommend the Board adopt Section 6 as prepared.



### Section 7 Online Practice Issues

- Question 58, Paragraph 1 was revised to read:

“The Board is unaware of current, accurate methods of measuring the prevalence of online occupational therapy services otherwise known as services provided via ‘telehealth.’ At this point in time, the Board has not received a complaint or report of unlicensed practice pertaining to occupational therapy services provided via telehealth. The Board anticipates an increase in the provision of occupational therapy services via telehealth, due to reimbursement and regulatory changes at the state and federal levels, intended to increase access.”

- Question 58, Paragraph 2 – the first sentence was revised to read:  
“The Board currently regulates occupational therapy services provided via telehealth....”

The committee unanimously voted to recommend the Board adopt Section 7 with the requested changes.

### Section 8 Online Practice Issues

- Remove the extra numeral 63. found under Question 62. and the remaining numbering will correct itself and end at 70 in Section 10.

The committee unanimously voted to recommend the Board adopt Section 8 with the requested changes.

### Section 9 Current Issues

The committee unanimously voted to recommend the Board adopt Section 9 as prepared.

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

- Newly renumbered Question 68 – add language that refers to the use of Executive Orders N 29-20 issued March 17, 2020, and N 08-21 issued June 11, 2021, as a means for the Board to not be required to identify teleconference locations for Board and Committee meetings.

The committee unanimously voted to recommend the Board adopt Section 10 with the requested changes.

### Section 11 Board Actions and Responses to COVID-19

- Issue #1, Sentence 4 - revise to read:

“However, when implementing the renewal fee increases in 2017, the statute specified the renewal fee...”

- Issue #5, Paragraph 2 - revise to read:

“The Board did not follow up on the “Fee Bill Worksheet” after the last....”

- Issue #5, Paragraph 3, Sentence 1 – remove “only”

The committee unanimously voted to recommend the Board adopt Section 11, Issues 1 and 5 with the requested changes.

- Issue #9, Paragraph 1, Sentence 4 – remove the extra “Q” in “QBIRT”.
- Issue #10, Paragraph 1, Sentence 2 – remove “a request”
- Issue #10, Paragraph 1, Sentence 3 – update “license” to “licensee”.
- Issue #11 - add a new paragraph at the end of the section that would advise the Legislature of how the Board is mitigating the problem, including that the Board’s Survey Monkey subscription was renewed and the survey would be added to the Board’s website. Staff will email this information to licensees that the Board has an email address on file and posted on social media.

The committee unanimously voted to recommend the Board adopt Section 11, Issue 11 with the requested changes to match those made in Section 2, Question 7.

The committee unanimously voted to recommend the Board adopt Section 11 in total with the requested changes and granted staff non substantive change authority.

### Section 12 New Issues

- Question 1 – The committee unanimously voted to recommend that the Board adopt the request to address Section 11, Issues 1, 3 and 12 under this question.
- Question 2 – The committee did not identify any additional new issues identified in this report and approved the 3 issues that were provided by staff.
- Question 3 – Staff to present an instructive and constructive addition for Board review and approval surrounding the court reporting cost increase.
- Question 3 – The committee unanimously voted to recommend that the Board adopt the addition of language to inform the Legislature that the Board is looking to review or revisit issues surrounding the Advanced Practice requirements in light of the national standards.

### Section 13 Attachments

The committee unanimously voted to recommend the Board adopt Section 13 as prepared.