## **AGENDA ITEM 11**

Consideration and possible action on the request to adjust the hourly rate of compensation for occupational therapy advanced practice reviewers.

#### Public Comment received via email January 4, 2022

"Dear Mr. Hanson,

I am writing to request an adjustment to the hourly rate of compensation for occupational therapy advanced practice reviewers with the California Board of Occupational Therapy. The current rate is \$75/hr, which has been static for several years, and is not commensurate with an increased cost of living/inflation.

Furthermore, the current rate also does not reflect the level of expertise and experience required to perform the specialized work of such an important role. As a point of reference, many generalized OT practitioners working in community-based private practices currently charge \$125/hour to perform standard patient care.

I am eager to continue in my work as an advanced practice reviewer for the Board of OT. I feel it is essential in order to maintain professional standards and enjoy serving my profession, but am asking for community standard compensation in order to do so for this specialized and important work.

Thank you very much for your consideration," A.F., OTR/L, MS, SWC, CNT

#### Additional Public Comment received via email January 5, 2022

"Thanks, Jeff! I forgot to add that the standard hourly compensation paid to OTs by the state of CA to provide Regional Center basic early intervention patient services is now \$95/hr. Hope that's of further help to assist when reviewing this request.

Thank you."

A.F.

#### **AGENDA ITEM 12**

Consideration and possible action on determining the appropriate number of occupational therapy students to be supervised by an occupational therapist who is concurrently supervising occupational therapy assistants.

# Business and Professions Code (BPC) and California Code of Regulations (CCR) relating to supervision; both are silent on the topic of how many students can be supervised at one time.

#### **BPC Section 2570.3(j)(2)**

An occupational therapist shall not supervise more occupational therapy assistants, at any one time, than can be appropriately supervised in the opinion of the board. Three occupational therapy assistants shall be the maximum number of occupational therapy assistants supervised by an occupational therapist at any one time, but the board may permit the supervision of a greater number by an occupational therapist if, in the opinion of the board, there would be adequate supervision and the public's health and safety would be served. In no case shall the total number of occupational therapy assistants exceed twice the number of occupational therapists regularly employed by a facility at any one time.

#### BPC Section 2570.13

- (a) Consistent with this section, subdivisions (a), (b), and (c) of Section 2570.2, and accepted professional standards, the board shall adopt rules necessary to assure appropriate supervision of occupational therapy assistants and aides.
- (b) An occupational therapy assistant may practice only under the supervision of an occupational therapist who is authorized to practice occupational therapy in this state.(c) An aide providing delegated, client-related supportive services shall require continuous and direct supervision by an occupational therapist or occupational therapy assistant.

#### **CCR Section 4181 Definitions**

In addition to the definitions found in Business and Professions Code sections 2570.2 and 2570.3 the following terms are used and defined herein:

- (a) "Client related tasks" means tasks performed as part of occupational therapy services rendered directly to the client.
- (b) "Level I student" means an occupational therapy or occupational therapy assistant student participating in activities designed to introduce him or her to fieldwork experiences and develop an understanding of the needs of clients.
- (c) "Level II student" means an occupational therapy or occupational therapy assistant student participating in delivering occupational therapy services to clients with the goal of developing competent, entry-level practitioners.
- (d) "Non-client related tasks" means clerical, secretarial and administrative activities; transportation of patients/clients; preparation or maintenance of treatment equipment and work area; taking care of patient/client personal needs during treatments; and assisting in the construction of adaptive equipment and splints.
- (e) "Periodic" means at least once every 30 days.

#### CCR Section 4181(b) – (d) Supervision Parameters

- (b) The supervising occupational therapist shall at all times be responsible for all occupational therapy services provided by an occupational therapy assistant, a limited permit holder, a student or an aide. The supervising occupational therapist has continuing responsibility to follow the progress of each client, provide direct care to the client, and assure that the occupational therapy assistant, limited permit holder, student or aide do not function autonomously.
- (c) The level of supervision for all personnel is determined by the supervising occupational therapist whose responsibility it is to ensure that the amount, degree, and pattern of supervision are consistent with the knowledge, skill and ability of the person being supervised.
- (d) Occupational therapy assistants may supervise:
- (1) Level I occupational therapy students;
- (2) Level I and Level II occupational therapy assistant students; and
- (3) Aides providing non-client related tasks.

# CCR Section 4183 (a) & (b)Treatments Performed by Occupational Therapy Limited Permit Holders and Students

- (a) Consistent with Code section 2570.4, subdivisions (b) and (c), a Level II student may, at the discretion of the supervising occupational therapy practitioner, be assigned duties or functions commensurate with his or her education and training.
- (b) All documented client-related services by the limited permit holder or student shall be reviewed and cosigned by the supervising occupational therapist.

## **AGENDA ITEM 17**

Discussion and possible action on increasing fees and establishing new fee(s) to ensure the future fiscal solvency.

# **CBOT - Analysis of Fund Condition**

Fee increases effective 1/1/2024
OT Renewal & ILF from \$270 to \$350;
OTA Renewal & ILF from \$210 to \$270

OT Delinquent Fee inc from \$135 to \$175; OTA Delinquent Fee inc from \$105 to \$135 Same fees for Inactive Renewal and Restore

Other Fee increases:
Regulations effective 7/1/2025

#### 2022-23 Governor's Budget

(Dollars in Thousands)

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\$	1,533	\$	1,543	\$	1,093	\$	1,074	\$	1,556	\$	2,773	\$	3,961	\$	5,121	\$	6,247
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** Advanced Practice App Fee (217) @\$200	\$	-							\$	44	\$	45	\$	46	\$	47	\$	48
** OT/OTA App for Retired Status (159) @\$25 ** OT/OTA App for Retired Status (159) @\$100	\$	4	\$	4	\$	4	\$	4	\$ \$	4 16	\$ \$	4 16	\$ \$	4 17	\$ \$	4 17	\$ \$	4 17
** Initial License (Assume 60% of 1,569) @\$40  ** Renewed License (Assume 20% of 8,745) @\$40  ** Duplicate Pocket License (186) @\$25  ** Duplicate Pocket License (186) @\$50	<b>0</b> \$	4	\$	4	\$	5	\$	5	\$ <b>\$</b> \$	38 <b>71</b> 5 <b>5</b>	\$ <b>\$</b> \$	39 <b>72</b> 5 <b>5</b>	\$ <b>\$</b> \$	40 <b>74</b> 6 <b>5</b>	\$ <b>\$</b> \$	40 <b>75</b> 6 <b>5</b>	\$ <b>\$</b> \$	41 <b>77</b> 6 <b>5</b>
** Duplicate Wall Certificate (470)@\$50									\$	12	\$	12	\$	12	\$	13	\$	13
** License Verification (835) @\$35  * License Verification (835) @\$75							\$	29	\$ <b>\$</b>	30 <b>33</b>	\$ <b>\$</b>	31 <b>34</b>	\$ <b>\$</b>	31 <b>34</b>	\$ <b>\$</b>	32 <b>35</b>	\$ <b>\$</b>	32 <b>36</b>
* Fingerprint Cards (627) @\$50									\$	31	\$	31	\$	32	\$	32	\$	32
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Miscellaneous services to the public Income from surplus money investments Miscellaneous revenues Settlements and Judgments - Other Totals, Revenues	\$ \$ \$ \$	29 3 - - 3,120	\$ \$ \$ \$	29 8 - - 3,194	\$ \$ \$ \$	29 9 - - 3,632	\$ \$ \$ \$	29 9 - - 4,235	\$ \$ \$ \$	29 10 - - 5,078	\$ \$ \$ \$	29 10 - - 5,159	\$ \$ \$ \$	29 12 - - 5,243	\$ \$ \$ \$	29 12 - - 5,326	\$ \$ \$ \$	29 13 - - 5,412
Totals, Resources EXPENDITURES	\$	4,653	\$	4,737	\$	4,725	\$	5,310	\$	6,634	\$	7,932	\$	9,204	\$1	0,447	\$1	11,659
Disbursements:																		
Program Expenditures	\$	2,850	\$	3,312	\$	3,411	\$	3,514	\$	3,619	\$	3,728	\$	3,840	\$	3,955	\$	4,073
Other: \$50 for fee study; \$44 cc savings Supplemental Pension Payments	\$	42	<b>\$</b> \$	<b>50</b> 42	\$	-44 42	\$	-44 42	\$	-44 42	\$	-44 42	\$	-44 42	\$	-44 42	\$	-44 42
Statewide General Admin Expenditures	\$	155 <b>3,047</b>	\$	240 <b>3,644</b>	\$	241 <b>3,651</b>	\$	242 <b>3,754</b>	\$	244 <b>3,861</b>	\$	245 <b>3,971</b>	\$	246 <b>4,084</b>	\$	247 <b>4,200</b>	\$	247 <b>4,318</b>
FUND DALANCE	<del>-</del>	3,047	ب —	3,044	ب —	3,031	<del>-</del>	3,734	ب —	3,801	ب —	3,3/1	ب —	4,004	٠ -	4,200	<del>-</del>	4,310
FUND BALANCE Reserve for economic uncertainties	\$	1,606	\$	1,093	\$	1,074	\$	1,556	\$	2,773	\$	3,961	\$	5,121	\$	6,247	\$	7,341
Months in Reserve		5.2		3.6		3.4		5.0		8.6		12.0		15.0		17.8		20.4

Notes: \* +1% for categories showing increase in workload

<sup>\*\* +2%</sup> for categories showing increase in workload

#### **Proposed Fee Increases and Establishment of New Fees**

#### **Business And Professions Code Section 2570.16**

Initial license and renewal fees shall be established by the board in an amount that does not exceed a ceiling of one hundred fifty dollars (\$150) per year. The board shall establish the following additional fees:

Notwithstanding any other law, the fees necessary to carry out the responsibilities required by the occupational therapy practice act and this chapter are as follows:

- (a) For occupational therapist licenses that expire on or after January 1, 2024, the biennial renewal fee shall be three hundred fifty dollars (\$350). Thereafter, the biennial renewal fee shall be established by the board in an amount that does not exceed a ceiling of five hundred dollars (\$500).
- (b) For occupational therapist licenses that expire on or after January 1, 2024, the biennial renewal fee shall be two hundred seventy dollars (\$270). Thereafter, the biennial renewal fee shall be established by the board in an amount that does not exceed a ceiling of four hundred dollars (\$400).
- (a) (c) An application fee not to exceed fifty dollars (\$50). The fee for an initial occupational therapist license application shall be three hundred fifty dollars (\$350).
- (d) The fee for an initial occupational therapy assistant license application shall be two hundred seventy dollars (\$270).
- (b) (e) A late renewal fee as provided for in Section 2570.10.
- (c) (f) A limited permit fee.
- (g) The fee for an application for advanced practice approval shall be two hundred dollars (\$200).
- (h) Upon issuance of an initial license, the fee for the first pocket license shall be forty dollars (\$40).
- (i) The fee for a duplicate or replacement pocket license shall be fifty dollars (\$50).
- (j) The fee for a duplicate or replacement wall certificate shall be fifty dollars (\$50).
- (k) The fee for a letter of good standing, endorsement or verification of licensure shall be seventy-five dollars (\$75).
- (d) (l) A fee to collect fingerprints for criminal history record checks. This fee shall not exceed the amount charged by the agency providing the criminal history record checks.
- (m) An applicant who submits hard fingerprint cards to the board for processing their background check, shall, in addition to the fee charged by the agency providing the criminal history record check, be charged a fee fifty dollars (\$50).
- (e) (n) A fee to query the National Practitioner Data Bank for applicants for licensure and renewal of licensure. The fee shall not exceed the amount charged per query.
- (o) The fee for a certified copy of an official transcript shall be thirty-five dollars (\$35).
- (p) A licensee whose license is placed on probation, shall be charged a fee for the Board's monitoring of the licensee's compliance with the terms and conditions specified in the disciplinary order. This fee shall not exceed the cost to the board for the monitoring of licensees placed on probation or (TBD amount/Frequency), whichever is less.

#### **Business And Professions Code Section 2570.17**

(a) The board shall issue, upon application and payment of a twenty-five one hundred dollar (\$25) (\$100) fee, a retired license to an occupational therapist or an occupational therapy assistant who holds a license that is current and active, or capable of being renewed pursuant to Section 2570.10, and whose license is not suspended, revoked, or otherwise restricted by the board or subject to discipline under this chapter.

California Code of Regulations Section 4130

#### California Code of Regulations Section 4130

Fees are fixed by the board as follows:

The fee for processing an Initial Application for Licensure (Form ILA, Revised 7/2016) shall be fifty dollars (\$50).

- (b) (a) The initial license fee for occupational therapists shall be prorated pursuant to Section 4120(a)(1) and based on the biennial renewal fee set forth below specified in section 2570.16 of the Code.
- (e) (b) The initial license fee for occupational therapy assistants shall be prorated pursuant to Section 4120(a)(1) and based on the biennial renewal fee set forth below specified in section 2570.16 of the Code.
- (d) The fee for a limited permit shall be one hundred dollars (\$100).
- (e)The biennial renewal fee for occupational therapists shall be two hundred twenty dollars (\$220). For licenses that expire on or after January 1, 2021, the biennial renewal fee shall be two hundred seventy dollars (\$270).
- (f)The biennial renewal fee for occupational therapy assistants shall be one hundred eighty dollars (\$180). For licenses that expire on or after January 1, 2021, the biennial renewal fee shall be two hundred ten dollars (\$210).
- (g) (c) The delinquency fee is one-half of the renewal fee.
- (h) (d) The biennial renewal fee for an inactive license shall be the same as the biennial renewal fee for an active license. (Note: Keep this or change?)
- (i) The fee for an Application for Retired Status (Form ARS, New 7/2012), shall be twenty-five dollars (\$25)
- (j) (e) The fee for a duplicate license shall be twenty five dollars (\$25) as specified in section 2570.16 of the Code.
- ((k) (f) The fees for fingerprint services are those charged by the California Department of Justice.

#### Martin, Heather@DCA

From:

Lindsay Gullahorn < lgullahorn@capitoladvocacy.com>

Sent:

Wednesday, August 17, 2022 4:13 PM

To:

Martin, Heather@DCA

Subject:

OTAC Letter re: CBOT Fee Increases

**Attachments:** 

PastedGraphic-1.tiff; OTAC CBOT Fee Increase Comment Letter.pdf

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: lgullahorn@capitoladvocacy.com

Hi Heather. Please see the attached letter from OTAC regarding CBOT's consideration of OT license fee increases.

Thank you, Lindsay

Lindsay Gullahorn
Capitol Advocacy
1301 | Street
Sacramento, CA 95814
916-221-8708 mobile
916-444-0400 main
www.capitoladvocacy.com



August 17, 2022

Heather Martin, Executive Officer California Board of Occupational Therapy 1610 Arden Way, Suite 121 Sacramento, CA 95825

#### **RE:** Proposed Modifications to Licensing Fees

Dear Ms. Martin,

On behalf of the Occupational Therapy Association of California (OTAC), I am writing to express our concerns with potential license fee increases for occupational therapists and occupational therapy assistants.

OTAC is a not-for-profit professional organization representing the interests of the approximately 22,000 licensed occupational therapy clinicians throughout California. Occupational therapists (OTs) and occupational therapy assistants (OTAs) work with people of all ages experiencing physical and behavioral health conditions or disabilities to develop, improve, or restore functional daily living skills, such as caring for oneself, managing a home, achieving independence in the community, driving, or returning to work. The provision of this type of care in facilitating and restoring everyday capacities in our patients optimizes participation in work and life for the citizens of California.

OTAC appreciates the role of the Board of Occupational Therapy in oversight and enforcement of OT clinicians and the Occupational Therapy Practice Act, and we recognize the need for license fees to ensure the Board can perform its critical duties. However, we urge the Board to ensure all other avenues are exhausted before imposing additional license fee increases on licensees.

License fees for OT practitioners have increased several times over the past few years, with the most recent increase enacted in 2021. Paying existing license fees is already a financial burden for many OT practitioners and increasing these fees will increase that strain at a time when many clinicians can least afford it. The cost of housing, fuel, food and goods have increased significantly due to inflation, so any fee increase must be considered thoughtfully and deliberately. The part-time workforce in particular will view any license fee increase as a major barrier to continuing to practice. This could thereby impact access to qualified occupational therapists, which would hurt consumers, particularly as the demand for OTs continues to grow.

OTAC commends the Board for responsibly managing its resources and is generally supportive of the Board's efforts, however, before considering an increase the license fees, we urge the Board to first implement clear cost-reducing measures and expenditure reductions.

As you know, occupational therapists are a valuable part of California's healthcare workforce. If license fee increases are, in fact, necessary, they should be incrementally, reasonably raised to ensure occupational therapy practitioners can continue to meet the demand for care.

If you have any questions, please contact Lindsay Gullahorn with Capitol Advocacy at (916) 444-0400 or lgullahorn@capitoladvocacy.com.

Sincerely,

Bryant Edwards, OTD, MA, OTR/L, BCP, MPH

President

#### **AGENDA ITEM 18**

Discussion and possible action on taking steps to join the Occupational Therapy Licensure Compact.



Occupational Therapy Licensure Compact Project Update

August 8, 2022

Dear Occupational Therapy Compact Project Team,

Thank you for your hard work on the OT Compact. We are excited to let you know that the inaugural meeting of the OT Compact Commission took place last week.

Wayne Winistorfer, a member of the project team, served as the interim chair, and his excellent facilitation skills helped the meeting run smoothly. The meeting took place over Zoom, and the atmosphere was cheerful and very collaborative. The delegates adopted bylaws and a rule on rulemaking. They also elected the first OT Compact Executive Committee.

#### **Executive Committee**

Chair: Lesly James (South Carolina)

Vice Chair: Teri Black (Wisconsin)

Treasurer: Danielle Ward (North Carolina)

Secretary: Renee Causey-Upton (Kentucky)

Members-at-Large: Missy Anthony (Ohio), Vanessa Beauchamp (Missouri), Daniel Martin (Maryland)

Over the next few months, the Executive Committee, along with committees for rules and finance, will begin meeting monthly to work on the details of standing up the compact.

Once again, thank you for your hard work and investment in this project. We are excited to continue moving forward.

Please reach out if you have any questions.

Dan Logsdon

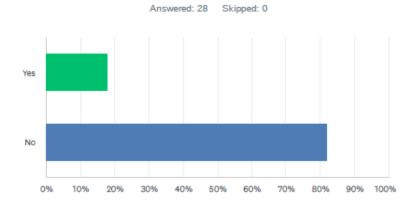
Dan Logsdon

Director, National Center of Interstate Compacts



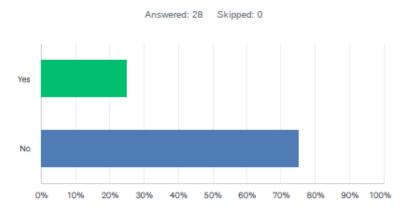
#### DCA's Licensing Compact and Reciprocity Survey Results

## Q2 Is there an interstate compact for your profession(s)?



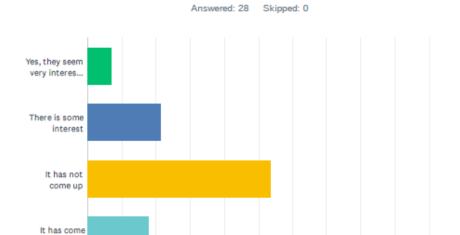
ANSWER CHOICES	RESPONSES	
Yes	17.86%	5
No	82.14%	23
TOTAL		28

## Q4 Has your board/bureau looked into a licensing compact?



Yes 2	25.00%	7
No 7	75.00%	21
TOTAL		28

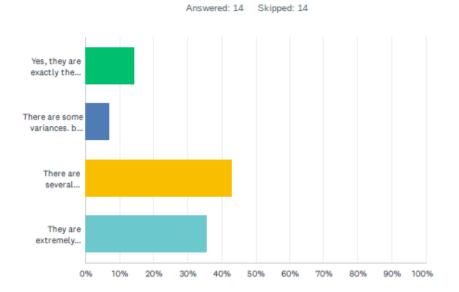
# Q8 Are your members interested in the idea of a licensing compact?



up, but ther...

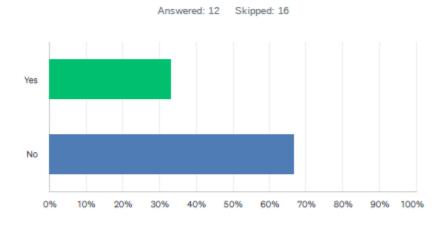
ANSWER CHOICES	RESPONSES	
Yes, they seem very interested and want to pursue it	7.14%	2
There is some interest	21.43%	6
It has not come up	53.57%	15
It has come up, but there is no interest	17.86%	5
TOTAL		28

# Q9 Are the compact licensure requirements the same or similar to your board/bureau requirements?



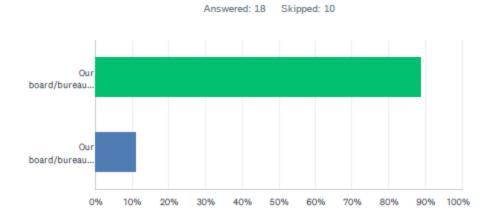
ANSWER CHOICES	RESPONSES	
Yes, they are exactly the same	14.29%	2
There are some variances. but not significant	7.14%	1
There are several variances	42.86%	6
They are extremely different	35.71%	5
TOTAL		14

# Q11 Does the scope of practice vary in the compact?



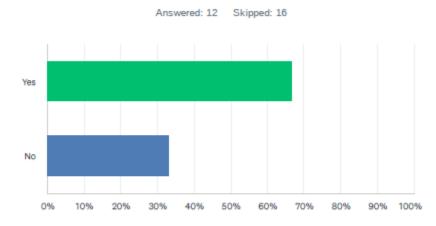
ANSWER CHOICES	RESPONSES	
Yes	33.33%	4
No	66.67%	8
TOTAL		12

# Q13 Who decides the enforcement action on the California license?



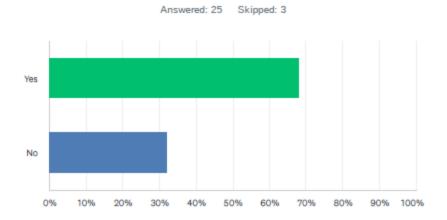
ANSWER CHOICES	RESPONSES	
Our board/bureau maintains control of enforcement	88.89%	16
Our board/bureau has to mirror the compact board enforcement	11.11%	2
TOTAL		18

# Q14 With the compact license, are the fees of both licensure and renewal still within the control of your board/bureau?



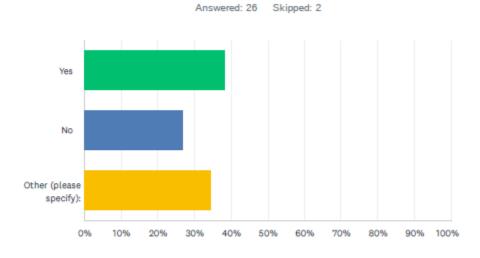
ANSWER CHOICES	RESPONSES	
Yes	66.67%	8
No	33.33%	4
TOTAL		12

# Q15 Are you as the Executive Officer/Bureau Chief concerned about consumer protection with a compact license?



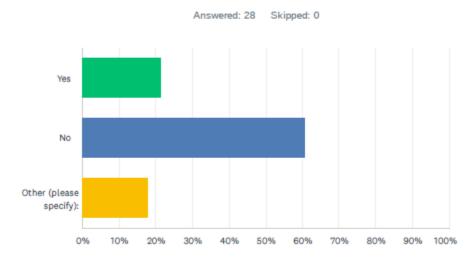
ANSWER CHOICES	RESPONSES	
Yes	68.00%	17
No	32.00%	8
TOTAL		25

# Q19 Would you be more interested joining a compact that is being built from the ground up versus coming into a compact that has already been developed?



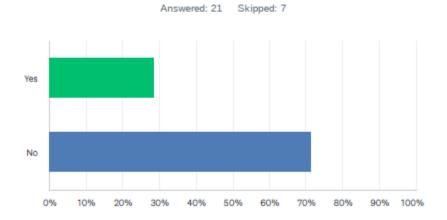
ANSWER CHOICES	RESPONSES	
Yes	38.46%	10
No	26.92%	7
Other (please specify):	34.62%	9
TOTAL		26

Q20 Does your board/bureau offer reciprocity (reciprocity in this response means that you offer a license just by requiring the licensee from the other state to provide proof of licensure in another state with no disciplinary action)?



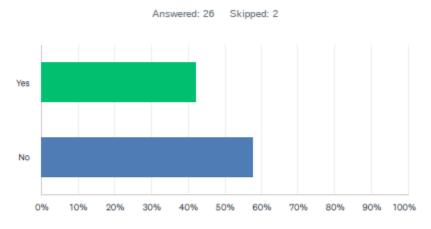
ANSWER CHOICES	RESPONSES	
Yes	21.43%	6
No	60.71%	17
Other (please specify):	17.86%	5
TOTAL		28

# Q22 If you do not have reciprocity as identified in the definition above, do you offer a waiver(s) of some requirements if the applicant is licensed in another state?



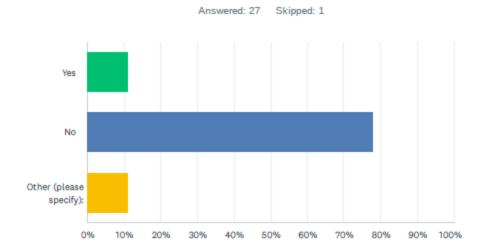
ANSWER CHOICES	RESPONSES	
Yes	28.57%	6
No	71.43%	15
TOTAL		21

# Q24 Do you use reciprocity laws?



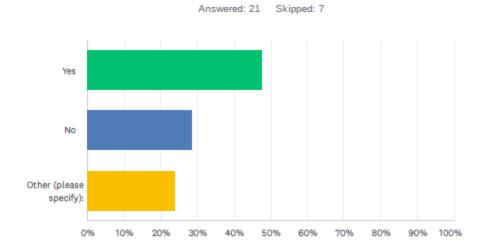
ANSWER CHOICES	RESPONSES	
Yes	42.31%	11
No	57.69%	15
TOTAL		26

# Q26 Do you have a temporary license for individuals licensed in another state that they can obtain until they obtain full licensure?



ANSWER CHOICES	RESPONSES	
Yes	11.11%	3
No	77.78%	21
Other (please specify):	11.11%	3
TOTAL		27

# Q27 If you answered No to question 26, do you and your board/bureau believe allowing a temporary license would hinder consumer protection?



ANSWER CHOICES	RESPONSES	
Yes	47.62%	10
No	28.57%	6
Other (please specify):	23.81%	5
TOTAL		21