

AGENDA ITEM 7

**REVIEW AND VOTE ON APPROVAL OF THE NOVEMBER 3-4, 2022,
BOARD MEETING MINUTES.**



***** DRAFT *****

BOARD MEETING MINUTES

November 3-4, 2022

Pima Medical Institute

111 Campus Way, Room 223, San Marcos, CA 92078

Board Member(s) Present

Sharon Pavlovich –President
 Beata Morcos – Vice President
 Richard Bookwalter – Member
 Hector Cabrera – Member
 Denise Miller –Member

Board Staff Present

Heather Martin – Executive Officer
 Jody Quesada Novey – Analyst
 Rachael Hutchison – Analyst
 Helen Geoffroy – Attorney

Board Member(s) Absent

Lynna Do – Secretary

Thursday, November 3, 2022

9:30 am - Board Meeting

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

The meeting was called to order at 9:36 a.m., Richard Bookwalter called roll, all members were present the exception of Board Secretary Lynna Do. A quorum was established.

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

President Sharon Pavlovich thanked Pima Medical Institute’s Occupational Therapy Assistant program for hosting the meeting of the California Board of Occupational Therapy (Board) at their state-of-the-art facility and for all their efforts in coordinating and setting up the venue.

Ms. Pavlovich also congratulated Board member Richard Bookwalter on receiving the prestigious Luella Grangaard Political Action award at the recent Occupational Therapy Association of California (OTAC) conference.

President Pavlovich announced that the order of agenda items would be rearranged and items four and six would follow agenda item seven.

3. Introduction of new Board Member(s)

Board President Sharon Pavlovich introduced and welcomed new Board member Hector Cabrera.

DCA Attorney Helen Geoffroy gave an overview of the Bagley-Keene Open Meetings Act.

Mr. Cabrera introduced himself and shared that prior to being appointed to the Board he served for 10 terms on the Sylmar Neighborhood Council, prior to that he served as the Chairperson of the Children, Youth and Family Advisory board for the city of San Fernando along with a 29-year career in foster care and social work.

Ms. Pavlovich thanked him for his service and welcomed him again.

4. Public Comment for items not on the Agenda.

This agenda item was addressed following agenda item seven.

Public Comment One regarding occupational therapists (OT) working in pelvic health.

- Beata Morcos moved to add this topic to a future agenda.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Public Comment Two regarding the potential for a doctoral capstone supervisor to receive professional development units (PDU) and identification of limits for the supervision of students.

- Denise Miller moved to discuss this public comment during Agenda items 11 & 12.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Public Comment Three consisted of nine individual comments opposing the increase of initial licensing fees for new graduates.

- Hector Cabrera moved to address these public comments at a future meeting.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Board member discussion ensued regarding whether the public comments were eligible for same day discussion due to the noticed agenda.

DCA Attorney Helen Geoffroy stated that the Board could choose to discuss these public comments during agenda item 20 because they pertained to fee increases.

- Denise Miller moved to address these public comments during agenda item 20.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

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

Board member Richard Bookwalter welcomed Mr. Cabrera.

Mr. Bookwalter congratulated President Pavlovich for her receipt of the OTA Honorary Award at the OTAC conference and thanked his fellow Board members and Board staff for contributing to his receipt of the Luella Grangaard Political Action Award.

Vice President Beata Morcos congratulated Mr. Bookwalter and President Pavlovich. She also thanked President Pavlovich and Executive Officer Heather Martin for representing the Board at the OTAC conference and for their hard work and delivery of their informative presentation.

Board member Denise Miller welcome Mr. Cabrera and congratulated Mr. Bookwalter and President Pavlovich.

6. Review and vote on approval of the August 18-19, 2022, teleconference Board meeting minutes.
- Beata Morcos moved to approve August 18-19, 2022; draft minutes as presented.
 - Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter: Yes
Hector Cabrera: Abstain
Denise Miller: Yes
Beata Morcos: Yes
Sharon Pavlovich: Yes

The motion carried.

President Pavlovich announced that the order of agenda items would be rearranged and items Four and Six would follow agenda item seven.

7. Presentation by Teresa Bringer, PhD, MBA, OT, Director of Accreditation for the Accreditation Council on Occupational Therapy Education (ACOTE), on the 2018 Standards (effective July 31, 2020) and the Interpretive Guide updated August 2022; followed by a question-and-answer session.

President Sharon Pavlovich welcomed Teresa Bringer and thanked her for her participation.

Ms. Bringer reviewed her included Power Point presentation that can be found on the Board's website under the Meetings tab and the link to agenda item Seven.

Ms. Bringer stated that all occupational therapy programs should have been in compliance with the 2018 standards as of July 31, 2020. She informed the Board that the Standard review committee was formed, and they are working on reviewing and/or updating current standards and wanted to share that the Standard Review committee reviews all comments and some of which result in changes being made to the standards.

Ms. Bringer clarified a few issues, based on the Board member questions, including:

- Core faculty consists of individuals whose job responsibilities include, at a minimum, curriculum design, teaching, and student advisement. Adjunct faculty must demonstrate that they are doing all three things and they typically can't demonstrate that they are doing all three.
- Per the United States Department of Education Accreditation requirements, early-stage applicants for accreditation can get provisional candidacy. However, the programs cannot get candidacy until their institution receives accreditation.
- Standard A.6.3., Program Evaluation, consists of approximately 10 different areas and only the new requirements were included in this presentation.

Ms. Breninger advised the Board that a draft of the new Standards should be available in February and will be accessible for approximately 4-6 weeks for a 'call for comment' period.

When reviewing Standard A.5.6., Scholarship Agenda, Denise Miller suggested that for those programs that don't require research to be 'evidence based,' that 'evidence-based' be added to the Standards so that everyone knows that occupational therapy has an evidenced-based focus.

Board members Richard Bookwalter and Denise Miller and Executive Officer Heather Martin all supported the language in the Standards to 'demonstrate' the use physical agent modalities and other topics related to those areas that are considered 'advanced practice' areas in California. Mr. Bookwalter suggested the word 'demonstrate' also be added to the dysphagia standard. The Board agreed that, from a regulatory perspective, increased specificity in the Standards implemented by educational programs ensures consumer protection.

Mr. Bookwalter also advocated for the addition of a performance component like 'demonstrate' to each of the program requirements, which would allow the Board to assess where its regulations fall relative to the education program requirements.

Ms. Breninger told the Board that she would bring their suggestions (regarding including requiring 'demonstration' and adding 'evidence-based' to the Scholarship Agenda) to the Standards to the committee.

Public Comment

Ali Azin OT, Academic Fieldwork Coordinator of Pima Medical Institute's Occupational Therapy program asked for clarification regarding the slide titled 'B Standards' that states programs are no longer required to upload a learning activity.

Ms. Breninger stated that to meet the 'B Standards,' programs are no longer required to upload an example of their learning activity except in the syllabi. Ms. Breninger stated that she provided clarification on ACOTE's website under the *Director's Update*.

President Pavlovich thanked Ms. Breninger for her presentation and her time.

8. Review of the Board's current policy on deciding disciplinary cases via ballot sent by mail and possible action on revising policy.

Executive Officer Heather Martin explained that the 'Proposed Policy' on the included attachment is the actual policy currently being implemented.

Denise Miller stated that she wished to hold an in-person discussion for closed session items that even one Board member votes to hold over for discussion.

Richard Bookwalter said he felt like discipline would be delayed if the Board held over for discussion so frequently and that the mail voting process moves discipline along.

Vice President Beata Morcos spoke in favor of the current policy.

Ms. Martin and Attorney Helen Geoffroy reminded the Board that Proposed Decisions have a 100-day deadline before the Board loses jurisdiction to act and that Default Decisions and Stipulated Settlements have no time limit.

The Board decided to update the policy to include language that Default Decisions and Stipulated Settlements need two votes to hold over for discussion, Proposed Decisions need one vote to be held over for discussion and all three should be brought before the Board during Closed Session if received within six weeks of a Board meeting.

- Richard Bookwalter moved to for Board staff to revise the mail ballot policy and bring it to a future meeting for Board approval.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

- Richard Bookwalter amended his motion to include that Board staff include the specificity outlined by the Board prior to the first motion.
- Denise Miller seconded the amended motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

9. Discussion and possible action on sending public comment asking for Board position on whether Advanced Practice approval in Hand Therapy is required for non-complicated, non-surgical carpal tunnel syndrome to an advanced practice reviewer(s) for an option.

The Board that included the prospect of soliciting the opinions of experts in related fields because the Board did not have enough volunteers from varied backgrounds to form a Practice committee.

Executive Officer Heather Martin ensured the Board that the opinion(s) of all experts would be brought before the Board for discussion and approval.

- Denise Miller moved to instruct Board staff to send this question to two reviewers (one with hands approval and one from either ergonomics, orthotics or geriatrics) to seek an opinion.
- Hector Cabrera seconded the motion.

Public Comment

An OTA student asked who submitted this public comment and asked why it took so long to be addressed.

Ms. Martin explained that the question came from the Kaiser group and then explained to the students in attendance how public comments are handled under the Bagley Keene Open Meetings Act.

Board Member Votes

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

The motion carried.

10. Review of information from other California healthcare boards regarding rates paid to expert witnesses and possible action on adjusting the hourly rate paid to the Board's practice reviewers (aka expert witnesses) and advanced practice reviewers.

Board President Sharon Pavlovich stated that the public comment made salary comparisons to that of clinical practice where expert review is an administrative task thus further solidifying her position that the Board's hourly rate is acceptable.

Richard Bookwalter reiterated his position of keeping the rate the same especially in a time where fee increases are inevitable.

Denise Miller expressed that the comparison charts were another indicator that the Board's hourly rate is acceptable.

- Denise Miller moved to keep the hourly rate paid to Practice Reviewers and Advanced Practice Reviewers as-is and directed Board staff to respond to the public comment expressing the Board's appreciation for their role and include the supporting documentation from this agenda item.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

11. Consideration and possible action on adding supervision of individuals completing a doctoral capstone as a method for occupational therapists to earn professional development units.

The Board discussed and agreed that supervising individuals earning their doctoral capstone should be aligned with what a supervising therapist can earn for the supervision of a Level II student.

- Richard Bookwalter approved supervision of doctoral capstone students as a method of earning PDUs and to align the amount of PDUs earned with that of a supervisor of a Level II fieldwork student and bring the draft language to a future meeting.
- Denise Miller seconded the motion.

Public Comment

An OTA student asked if PDUs could be earned for level one and level two supervision.

President Pavlovich answered affirmatively.

Board Member Votes

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

The motion carried.

12. Consideration and possible action on determining the maximum number of occupational therapy students completing their fieldwork that can be supervised by an occupational therapist who is concurrently supervising occupational therapy assistants and/or limited permit holders.

A very lengthy and robust discussion took place regarding clinical vs. nonclinical supervision maximums, the best options to ensure consumer protection and the public comment from author A.B.H. pointed out the many role configurations possible in student supervision, which the Board members felt to be a valid concern.

Richard Bookwalter stated that because the current supervision ratio for OTs to OTAs is a maximum of three that he felt the simultaneous supervision of students should be three or less.

Denise Miller agreed and stated that although she does not like to overregulate, a limit should be decided in the name of consumer protection.

President Sharon Pavlovich stated that she works as a per diem OTA and is not sure she wants to place a limit on the number of students that can be supervised concurrently with OTAs due to varied practice settings.

Vice President Beata Morcos expressed that she felt that students of any discipline need more oversight during their progression thus she felt that the number of students should be less than the amount of OTAs which is three.

Hector Cabrera stated that he felt the maximum number of students supervised concurrently by an OT supervising OTAs, should be three. Mr. Cabrera stated that if quality care and ethical learning is a priority, a lesser number of students is better.

Public Comment

An OTA stated that it was his opinion that a lesser number of students is better.

President Pavlovich thanked Pima’s students for their participation and being a part of the process.

- Richard Bookwalter moved to add language to California Code of Regulations 4181 Supervision Parameters that states “*An Occupational Therapist may not supervise more than three Level One fieldwork students, Level Two fieldwork students, Doctoral Capstone students or Limited Permit holders at any one time, except by approval of the Board.*” and “*An Occupational Therapy Assistant may not supervise more than three Level One fieldwork students, Level Two fieldwork students, Doctoral Capstone students or Limited Permit holders at any one time, except by approval of the Board.*”
- Hector Cabrera seconded the motion.

Public Comment

There was no additional public comment.

Board Member Votes

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

The motion carried.

The Board discussed the parameters of when a licensee could come before the Board to seek approval to increase the number of how many they can supervise in a non-clinical setting.

Denise Miller suggested that the Board consider the language that a licensee may come before the Board for non-clinical situations, but she would prefer that a committee discuss and provide guidance to the Board pertaining to specific numbers for specific practice areas including emerging practice areas.

Richard Bookwalter suggested the issue be discussed by the Board’s Executive Committee.

Heather Martin suggested soliciting input from the California Occupational Therapy Fieldwork Council (CAOTF).

President Pavlovich and the rest of the Board agreed with both suggestions.

- Denise Miller moved to send the issue of non-clinical supervision maximums to the Board's Executive Committee for discussion and include representatives from CAOTFC.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

The Board used this agenda item to address public comment 4.2 from A.B.H. The Board agreed that Board staff would inform ABH regarding agenda item 11, that supervision of a doctoral capstone student would be awarded PDUs equivalent to that of a supervisor of level two fieldwork and that draft language would be brought back for discussion at a future meeting. Additionally, Board staff should inform ABH that the Board decided on clinical supervision maximums (motion above) and has asked Board staff to draft and bring back language for discussion at a future meeting and they will request the opinions of the Executive committee of the Board and the California Occupational Therapy Fieldwork Council regarding supervision maximums of non-clinical students and those opinions will also be discussed at a future Board meeting.

13. Consideration and possible action on determining the maximum number of students completing their entry-level doctoral capstone that can be supervised by an occupational therapist who is concurrently supervising occupational therapy assistants, limited permit holders or students completing their fieldwork.

The motion from agenda item 12 included agenda item 13 as well.

14. Discussion and possible action on language recommended by the ad hoc Occupational Therapy Doctoral Committee to amend Business and Professions Code section 2570.4 and 2570.6 to, among other things, include reference to doctoral capstone experience.

Board staff updated and brought before the Board a copy of the recommended amendments to Business and Professions code (BPC) section 2570.4 and 2570.6 made by the ad hoc Occupational Therapy Doctoral Committee.

- Denise Miller moved to approve the language of BPC sections 2570.4 and 2570.6.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment

Board Member Votes

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

The motion carried.

- Denise Miller moved to direct staff to seek an assembly or senate author to carry the approved language of BPC sections 2570.4 and 2570.6.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment

Board Member Votes

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

The motion carried.

CONVENE CLOSED SESSION

The Board convened in closed session at 3:45 p.m.

RECONVENE IN OPEN SESSION

The Board reconvened in open session at 4:21 p.m.

Recess for the day

The Board adjourned for the day at 4:22 p.m.

Friday, November 4, 2022
9:30 am - Board Meeting

Board Member(s) Present

Beata Morcos – Vice President
Richard Bookwalter – Member
Hector Cabrera – Member
Denise Miller –Member

Board Staff Present

Heather Martin – Executive Officer
Jody Quesada Novey – Analyst
Rachael Hutchison – Analyst
Helen Geoffroy – Attorney

Board Member(s) Absent

Lynna Do – Secretary
Sharon Pavlovich - President

15. Call to order, roll call, establishment of a quorum.

The meeting was called to order at 9:41 a.m., Richard Bookwalter called roll, all Members were present except for Board President Sharon Pavlovich and Board Secretary Lynna Do. A quorum was established.

16. President’s Remarks – Informational only; no Board Action to be taken.

Vice President Beata Morcos welcomed everyone in attendance, reported that she would be act in President Sharon Pavlovich’s absence and wished her well.

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

There were no Board member remarks made.

18. Public Comment for items not on the Agenda.

There were no public comments for items not on the agenda.

19. Review of the model legislative language developed by the American Occupational Therapy Association that is provided to states wishing to join the Occupational Therapy Licensure Compact (Compact) and possible action to determine if the Board will initiate steps to join the Compact.

Richard Bookwalter said that he was impressed by the participation in the compact thus far but reminds the Board that some states don’t have the same discipline safeguards in place that California does.

Denise Miller stated that she was uncomfortable making a statement if DCA had not yet done so and with the fact that some states participating in the OT compact may not enforce the level of consumer safety that California does.

Executive Officer Heather Martin reported that DCA has been silent regarding their position, but the Board should not assume that their silence is a position either. She informed the Board that DCA may never state their position.

Vice President Beata Morcos commented that it was her understanding that a compact licensee is required to follow the laws and regulations of the state in which they are

practicing so it seemed to her that California's consumer safety threshold would continue to be met if California decided to join the OT licensure compact.

The Board decided to table the topic for a future meeting.

20. Review historical expenditures by program component and past salary savings as these items relate to the Board increasing and establishing new fees to ensure the future fiscal solvency of the Board's fund. H

Board member Denise Miller asked if the public comments regarding not raising the initial licensing fee could be addressed under this agenda item.

DCA Attorney Helen Geoffroy said she had no objections because this agenda item speaks to the historical expenditures.

Ms. Miller asked when the fee increase will be in effect.

Executive Officer Heather Martin replied that an author for the language must still be obtained.

Ms. Miller implored outreach and suggested that the board members be cohesively involved in the messaging.

Vice President Beata Morcos stated that she felt the Board had been very fair and transparent regarding the budget by supplying multiple reports over many years.

Ms. Martin agreed that importance should be placed on the messaging due to the fact that legislation is involved, and the practitioners should be made aware of the this.

The Board asked Board staff to respond to the public comments on their behalf and include facts such as: fees have been voted upon and the Board cannot honor a price break to new licensees, the Board has been good stewards of the budget and between subcommittee and Board discussion, a good 40 hours were expended prior to making the decision and consequently the topic will not be revisited. Lastly, the Board asked that the response refer to the webcast recording for this meeting if the commenters wish to review the conversation.

21. Executive Officer's Report.

- a) Operational report.

Ms. Martin reported on the state of recruitment packages and the fact that a Retired Annuitant was hired to assist.

Ms. Martin reported that DCA was conducting a department wide Asset Management Process (AMP) Audit. DCA is reviewing and updating all applicable departmental policies and once they are updated and disseminated departmentwide, Board staff will review the findings and develop a corrective action plan.

Ms. Martin stated that she included the top five expenditures for the current and past three fiscal years as requested.

- b) Fiscal Year (FY) 2021-22, Fiscal Month (FM) 13 revenue and expenditure reports.
Ms. Martin reviewed the included reports for fiscal month (FM) 11 and FM 12. FM 12 revenue earned was \$2,853,313 and FM 12 expenditures were \$2,778,338.
- c) FY 2022-23, FM 2 revenue and expenditure reports.
Ms. Martin reviewed provided FY 2022-23, FM 2 revenue and expenditure reports and asked if there were any questions or comments; there were none.
- d) Current fund condition statement.
Ms. Martin reviewed provided a current fund condition statement and asked if there were any questions or comments; there were none.
- e) Licensing data for 7/1/2022 – 9/30/2022.
Ms. Martin reviewed provided licensing date for 7/1/2022-9/30/2022 and asked if there were any questions or comments; there were none.
- f) Enforcement data for 7/1/2022 – 9/30/2022.
Ms. Martin reviewed provided enforcement data from 7/1/2022-9/30/2022 and asked if there were any questions or comments; there were none.
- g) Future Agenda Items.
The Board members decided to combine future items two, three and four and then move future items one through seven to be addressed in February along with making appointments to the Practice committee.

Additionally, a new item was added to the list regarding the presentation of what it means to be an expert reviewer to a future meeting.

The Board agreed to wait until ACOTE releases a new version of the guidelines in February so the Board can review and offer feedback.

The Board decided to table the discussion of the Board Member Disciplinary Resource manual, the scheduling of a townhall/meeting with the California OT and OTA programs to share the Occupational Therapy Assistant Workforce Needs Assessment and the discussion on Corporation Name language for future agenda.

- h) Data or information requested at prior meeting. (No Board action can be taken.)
Ms. Martin reviewed the included Internal Audit Offices' audit and stated that it was an informational item.
The Board members asked why the CBOT was not listed as an entity on page 11.
- i) Other informational items. (No Board action can be taken.)
Ms. Martin reported that the CBOT was in need of an updated record retention schedule and that the Strategic Plan would be addressed next year.

22. Election of 2023 Board Officers.

Due to the absence of Lynna Do and President Sharon Pavlovich the Board decided to schedule a meeting prior to the end of the year to handle the election of officers for 2023.

- Denise Miller moved to postpone the 2023 election of officers to a date following the Thanksgiving holiday.
- Hector Cabrera seconded the motion.

Public Comment

There was no public comment

Board Member Votes

Richard Bookwalter: Yes
Hector Cabrera: Yes
Denise Miller: Yes
Beata Morcos: Yes

The motion carried.

- Richard Bookwalter moved to postpone the Executive Officer Performance evaluation to the February closed session.
- Denise Miller seconded the motion.

Public Comment

There was no public comment

Board Member Votes

Richard Bookwalter: Yes
Hector Cabrera: Yes
Denise Miller: Yes
Beata Morcos: Yes

The motion carried.

CONVENE CLOSED SESSION

There were no closed session items to discuss.

Meeting adjournment.

The meeting adjourned at 11:28 a.m.