

## **AGENDA ITEM 6**

### **REVIEW AND VOTE ON APPROVAL OF THE FEBRUARY 9-10, 2023, BOARD MEETING MINUTES.**

The meeting minutes are included for review.



**\*\*\* DRAFT \*\*\***

## **BOARD MEETING MINUTES**

**February 9-10, 2023**

**Department of Consumer Affairs  
1625 North Market Blvd., Sacramento, CA 95834**

### **Board Members Present:**

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

### **Board Staff Present:**

Heather Martin – Executive Officer  
Jody Quesada Novey – SSM I  
Helen Geoffroy – Attorney III  
Jeanine Orona – Enforcement Analyst  
Rachael Hutchison – Enforcement Analyst

**THURSDAY, FEBRUARY 9, 2023**

**9:30 a.m. – Board Meeting**

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

The meeting was called to order at 9:36 a.m. Secretary Lynna Do called roll and a quorum was established

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

Board President Denise Miller acknowledged the public members in attendance, including Carlin Daley Reaume, Co-Chair of the Occupational Therapy Association of California’s (OTAC) Advocacy and Government Affairs Committee and Assistant Clinical Professor at the University of the Pacific and Yvonne Dorantes, Assistant Deputy Director, Board and Bureau Relations, Department of Consumer Affairs (DCA). President Miller also noted that Board member Sharon Pavlovich was in attendance via WebEx.

### **3. Introduction of new Board Members.**

There were no new Board Members to introduce.

### **4. Public Comment for Items Not on the Agenda.**

#### **Public Comments:**

Carlin Daley Reaume from OTAC requested that the Board add pelvic health to a future agenda because a legislative bill addressing this issue has been introduced and OTAC is interested in supporting the bill.

Board President Miller informed Ms. Reaume that agenda item #25 pertained to pelvic health and asked if it would satisfy her public comment.

Ms. Reaume stated that her public comment would be satisfied by agenda item #25.

Ada Boone Hoerl Ada Boone Hoerl, Program Director for the Occupational Therapy Assistant at Sacramento City College and Certified Occupational Therapy Assistant, introduced herself and said she was happy to be in attendance.

President Miller reported that there were two written public comments and that they would be addressed in agenda item #26, because they were related to the Board's fee increases and fiscal solvency.

Lindsay Gullahorn introduced herself on behalf of OTAC.

There were no additional public comments.

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

Board member Richard Bookwalter commented that he recently received an email from OTAC that were offering an ethics course that included information about an occupational therapist that was being sued. Mr. Bookwalter thought it interesting and relevant because of the requirement for licensees to complete an Ethics course that was recently voted on by the Board.

There were no additional Board Member remarks.

**6. Presentation on Board meeting location requirements, meeting formats and various ways to observe or participate (in-person, WebEx, webcast) in the meeting.**

Board President Miller gave an overview regarding the number of ways in which the Board meetings can be accessed.

There were no Board Member comments.

There were no public comments.

**7. Review and vote on approval of the November 3-4, 2022, Board meeting minutes.**

- Board Member Richard Bookwalter moved to approve the November 3-4, 2022, Board Meeting Minutes.
- Vice President Beata Morcos seconded the motion.

**Public Comments:**

Carlin Daley Reaume requested that the posting of the Board meeting minutes be expedited.

President Miller mentioned that OTAC reached out to her specifically to ask if the Board could do a mail vote after the meeting so the minutes could be posted sooner to allow them more time for public response.

Attorney Helen Geoffroy explained that the Board meeting minutes are not official until the Board adopts them and that they cannot be voted on through mail, as the Bagley-Keene Open Meetings Act requires that meeting minutes be made available for public review and comment. Attorney Geoffroy clarified that there would not be a possibility for the Board to approve the meeting minutes without a subsequent in-person meeting.

Candice Chatman from University of Southern California (USC) introduced herself and asked if once the minutes are adopted, they become law that practitioners would then need to follow.

Attorney Helen Geoffroy responded that the minutes are a record of actions taken and the business conducted by the California Board of Occupational Therapy (Board). Once the minutes are approved by the Board they are posted on the Board's website.

There were no additional public comments.

**Board Member Votes**

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

The motion carried.

**8. Review and vote on approval of the December 14, 2022, Teleconference Board Meeting Minutes.**

- Secretary Lynna Do moved that the Board return to agenda item #8 on day two, when the Board Members have all of the pages for the item.
- Board Member Hector Cabrera seconded the motion.

There were no public comments.

**Board Member Votes**

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

The motion carried.

*This item was addressed on day two after the Board Members had all the materials.*

- Board Member Bookwalter moved to approve the minutes from the December 14, 2022, Teleconference Board Meeting and allow staff to make non-substantive changes.
- Vice President Morcos seconded.

**Board Member Votes**

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

The motion carried.

**9. Consideration and possible action on Board policy on deciding disciplinary cases via ballot sent by mail as revised at November 2022 meeting.**

The Board reviewed the policy presented in the materials.

- Board Member Bookwalter moved to approve the revision to policy ENF-2011-01 as published in the meeting materials and allow staff to make any non-substantive changes.
- Vice President Morcos seconded the motion.

There were no public comments.

**Board Member Votes**

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

The motion carried.

**10. Review of Board Member Guidelines and Procedures Manual with updated appointment criteria for licensees to serve on Board committees.**

Board President Miller explained that at the May 21, 2021, Board meeting, the Board revised the criteria for non-Board members to be appointed to a Committee, by reducing the number of years of professional experience from five years to three years and allowing retired licensees to participate..

Thus, the Board’s Manual will be updated to reflect the following Committee appointment criteria:

- An occupational therapist or occupational therapy assistant holding a current, active, and unrestricted license;

- Three years of professional experience;
- An occupational therapist or occupational therapy assistant whose license was placed on retired status within five years of holding an active license; and
- No pending, current or prior disciplinary action.

Further discussion ensued.

- Secretary Do moved to adopt the criteria for appointment for licensees to serve on Board Committees.
- Board Member Cabrera seconded the motion.

**Public Comment:**

Ada Boone Hoerl expressed that as an educator, she is excited and is looking forward to sharing the change with her students if the motion carries.

There were no additional public comments.

**Board Member Votes**

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

The motion carried.

**11. Consideration and possible action on revising committee member appointment criteria for non-licensees/public members to serve on Board Committees.**

President Miller gave an overview of the excerpt from the May 20-21, 2021, Board Meeting minutes. The Board wanted to revisit the topic of how many non-licensees should be allowed to participate on the Board’s Committees and make recommendations for Board Staff to update language.

Board Member Bookwalter recalled that the Board was in support of having non-licensees with specific expertise participate on Board committees, but at the same time there are limitations on a retiree’s participation such as a retiree cannot participate if they had been retired for more than five years. It was decided that the Board needed to have more of a discussion about the parameters.

Secretary Do stated that she is in favor of non-licensed members participating on the Board’s Committees as long as they have some healthcare knowledge or association with professions such as psychology or nursing and as long as there is only one non-licensed member per Committee. Ms. Do is in favor of handling retirees that same way. The Board could consider them as non-licensed public members instead of licensed members.

Vice President Morcos stated that she is a public member serving on the Board and the different committees are created to clarify specifications for the profession and that is why she feels it is important to have licensees on the Board's Committees.

Board Member Bookwalter agreed with Vice President Morcos.

Board Member Pavlovich felt that it is relevant to have people that are current licensees and that in terms of retirees she was open but thought that participating within three years of retirement would be best because the profession progresses so quickly.

President Miller wanted to be clear that agenda item #10 was about licensees being on committees, but there were comments about the retirement status language that was just voted on. The retirement status that is being discussed is under agenda item #11.

Board Member Bookwalter stated that he feels the Board can leave the retiree issue alone if they address the concern about having someone with current skills and knowledge.

Secretary Do was opposed to Vice President Morcos' position. Ms. Do commented that it would be contradictory to have public members on the Board but not allowed to serve on the Board's Committees.

Board Member Pavlovich stated that there is value in putting public members on committees and pointed out that has been difficult to fill the Board's Committees with licensees.

**Public Comments:**

Carlin Daley Reaume stated that as an occupational therapy professional, she is agreeable to including public members who have specific knowledge related to a subject.

Ada Boone Hoerl stated that as a person who has served on a variety of committees, she supports the inclusion of subject matter experts and the public member perspective.

There were no additional public comments.

- Secretary Do moved that the Board approve establishing criteria for non-license and public members to serve on Board Committees.
- Board Member Cabrera seconded the motion.

**Board Member Votes**

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

The motion carried.

President Miller stated that the next step would be for the Board needs to establish language for guidelines specific to committee members who are public members.

A synopsis of what she heard was that the Board has support from the public members and public comments to go forward, which is in line with the vote.

President Miller went into detail as to what should be included on the application. Ms. Miller also questioned how the Board would know if the member had any disciplinary action against them, as the Board cannot run a background check.

Executive Officer Heather Martin clarified that some license types could be verified to determine whether it was subject to discipline.

A robust discussion regarding the vetting process ensued and President Miller stated that the topic is something she wanted to come back to.

President Miller initiated a new conversation asking the Board, how inclined they were to see a public member join a practice committee?

Ms. Martin advised that Board Member Guidelines and Procedures Manual establishes a minimum of four members for all of the Board's Committees, including one Board Member, except for the Practice Committee, which specifies a minimum of seven members.

President Miller stated she would consider one or two public members reasonable.

Secretary Do Board Member Cabrera both agreed with two public members.

Secretary Do asked the Board if they should consider allowing students of a healthcare profession to serve as public members.

Board Members Cabrera and Pavlovich both express support of students serving as public members.

Vice President Morcos stated that students can always attend meetings, but the Board is looking for somebody who will help the Committee with expertise and not just be there for the experience.

A lengthy discussion regarding criminal backgrounds ensued.

Ms. Martin explained that there is not an application to be on a Committee, and if the Board made one, then there would be an issue regarding establishing regulations. Currently, prospective committee members only provide their resume for consideration. She suggested the Board could consider an ad hoc committee to review the issue.

President Miller summarized the focus of an ad hoc committee would be to address:

- Student participation on a committee.
- Non-licensees and their disciplinary background.
- Retiree requirements.

There were no additional Board Member comments.



**Public Comment:**

Ada Boone Hoerl asked the Board to consider using the word “experience.”

There were no additional public comments.

Board Members Cabrera, Pavlovich, and Morcos and licensees Carlin Daley Reaume and Ada Boone Hoerl also volunteered for the ad hoc committee.

- Secretary Do moved that the Board appoint an ad hoc Committee to discuss committee member appointment criteria for non-licensed public members and make a recommendation to the Board. The ad hoc Committee would be chaired by Vice President Morcos and Board Members Cabrera and Pavlovich would serve along with the two licensees who volunteered.
- Board Member Bookwalter seconded the motion.

There were no additional public comments.

**Board Member Votes**

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

The motion carried.

**12. Consideration and possible action on appointing Disaster Preparedness/Disaster Response ad Hoc committee.**

President Miller noted that historically there had been a Disaster Preparedness/Response Committee.

A lengthy discussion followed concerning the direction of the ad hoc committee. The Board decided to table the idea for this meeting.

- Board Member Cabrera moved that the Board table the ad hoc Disaster Preparedness committee until the May meeting and directed Board Staff to collect information for their discussion.
- Board Member Pavlovich seconded the motion.

**Public Comment:**

Ada Boone Hoerl expressed her confusion as to how disaster preparedness related to the practice of occupational therapy.

There were no additional public comments.

**Board Member Votes**

Richard Bookwalter:	Yes
Hector Cabrera:	Yes

Sharon Pavlovich: Yes  
Beata Morcos: Yes  
Lynna Do: Yes  
Denise Miller: Yes

The motion carried.

*President Miller informed the Board that agenda items 13, 14, and 16 would be moved to day two of the meeting in order to accommodate a presentation on the occupational therapy licensure compact by Dr. Lesly Wilson James.*

**13. Consideration and possible action on amending Section 4161, of Title 16, Division 39, of the California Code of Regulations (CCR), to include supervision of individuals completing a doctoral capstone as a method for occupational therapists to earn professional development units.**

*Item #13 was addressed on day two.*

President Miller gave an overview about earning professional development units (PDUs) for supervising a doctoral capstone student. President Miller noted that the topic had been discussed at length by the Board at prior meetings.

- Secretary Do moved that the Board approve amending section 4161, of Title 16, Division 39, of the California Code of Regulations, to include supervision of individuals completing a doctoral capstone as a method for licensees to earn PDUs.
- Vice President Morcos seconded.

There were no public comments.

**Board Member Votes**

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

The motion carried.

**14. Consideration and possible action on amending CCR Section 4181 to specify the maximum number of fieldwork students, doctoral capstone students, limited permit holders and occupational therapy assistants that an occupational therapist may concurrently supervise.**

*Item #14 was addressed on day two.*

President Miller suggested agenda items #14 & #15 to the May meeting because the doctoral capstone student definition was informational only and should be noticed prior to their discussion.

Board Member Bookwalter agreed.

**15. Consideration and possible action on amending CCR Section 4181 to specify the maximum number of fieldwork students, doctoral capstone students, and limited permit holders that an occupational therapy assistant may concurrently supervise.**

This item was tabled to be discussed at the May 2023 Board Meeting.

**16. Consideration and possible action on determining the maximum number of students completing a non-clinical 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.**

*Item #16 was addressed on day two.*

President Miller noted that at the Board's November meeting, the Board directed this topic to the Administrative Committee with input from the California Occupational Therapy Fieldwork Council. President Miller suggested that agenda item #16 be tabled to a later meeting when it could be reported on.

Secretary Do asked if the Board should wait until the Fieldwork Council committee meets.

Executive Officer Martin proposed inviting the Fieldwork Council and any of those individuals wanting to provide feedback or input could do so.

**Public Comments:**

Akemi McNeil informed the Board that the California Fieldwork Council meets monthly and that they can provide feedback. Ms. McNeil noted that this is such an important topic because fieldwork varies greatly between Level I and Level II.

President Miller thanked Ms. McNeil for her comments.

Bryant Edwards asked for clarification regarding the language to earn PDUs and specifically referenced the requirement for completing two units for ethics in healthcare and one course related to sociocultural factors diverse populations and bias.

Executive Officer Martin explained to Mr. Edwards that the text he referred to was previously approved by the Board had not yet been noticed. Ms. Martin elaborated that the rule making package for amendments wasn't yet started as it was anticipated that additional amendments to that section were forthcoming.

Bryant Edwards thanked Ms. Martin for her response.

Board Member Bookwalter asked Ms. Martin for clarification on the 45-day notice rule. Ms. Martin explained that control agency approval was required prior to starting filing the package with the Office of Administrative Law to begin the 45-day notice period.

Board Member Bookwalter asked how Bryant Edwards would know when the 45-day comment period had begun.

Executive Officer Martin explained that anyone could sign up for the Board's Interested Parties list to receive emails on regulatory amendments or other Board notifications.

There were no additional public comments

**17. Presentation by Dr. Lesly Wilson James, OTR/L, Chair of Executive Committee of the Occupational Therapy Licensure Compact (Compact) with updates on the compact.**

*Item #17 was addressed on day one.*

President Miller welcomed the students from the first cohort at the Riverside Campus of Stanbridge University and their instructor, Dr. Bill Wong. Dr. Wong is a co-instructor with Board President Denise Miller for the Leadership Management and Advocacy course at Stanbridge University.

President Miller welcomed Dr. Lesly Wilson James, PhD, MPA, PMP, OTR/L. Dr. James is chairperson of the Executive Committee of the Occupational Therapy Licensure Compact (Compact), chairperson of the South Carolina Licensure Board for Occupational Therapy, associate professor at Lenoir-Rhyne University, and Fellow of the American Occupational Therapy Association.

Dr. James gave a presentation on the national Occupational Therapy Licensure Compact the Compact Commission and its various supporting committees. Dr. James introduced Chuck Wilmarth, Vice President, Health Policy and State Affairs, American Occupational Therapy Association (AOTA), who was there to provide support and answer any technical questions.

**Public Comment:**

Bryant Edwards encouraged the Board to think about how the Compact might play out in the California and how the Board could set up licensees for success.

President Miller thanked Mr. Edwards for his comment.

There were no additional public comments.

President Miller asked Dr. James if the regulatory language is the same for all the states in the compact.

Dr. James responded that in her home state of South Carolina, the state's occupational therapy association worked with AOTA and a lobbyist that assisted with the legislation.

Chuck Willmarth explained how AOTA and the state associations are working with lobbyists to get the Compact language introduced and signed into law.

Mr. Wilmarth explained that in terms of regulations, the Compact is an agency with rule making authority and when it came to implementation, the member states will post the information on their website. The language in the legislation enabling states to join the Compact is substantially the same for all states, but it is not identical. He elaborated that while there may differences in terms of style or phrasing, the substance of the enabling legislation needs to be identical.

President Miller asked Mr. Wilmarth if there are other states that fingerprint for background checks.

Mr. Wilmarth responded yes, there are states that have background checks. He explained that the Compact Commission has the authority to identify when the fingerprint requirement will be required of Compact member states and those states without the legislative authority to conduct background checks will be given time implement the requirement.

President Miller stated that she sees the next step for the California Board, is to keep the Compact on the Board's meeting agenda as a placeholder and to let the professional associations take the lead on pursuing that legislation.

**Public Comments:**

Thai-Hanh Nguyen asked why other states were choosing not to be part of the compact.

Mr. Wilmarth responded that he believed it was an issue of timing. However, during the Covid pandemic, many saw a situation where the country needed to bring healthcare professionals from one state to another.

Bella Yang asked what can current students do to show support for the compact?

Mr. Wilmarth suggested students become members of AOTA because membership is what provides support for advocacy.

Dr. James added that students can also write letters to their legislators.

Thai-Hanh Nguyen asked if the policies for the states in the Compact will be uniform.

Mr. Wilmarth responded that the scope of the Compact is simply about licensing and the ability to practice in other states but does not bring uniformity to practice.

Carlin Daley Reaume stated that OTAC has been hearing from their members that there is interest in participating in the Compact and they are interested in continuing to engage in the conversation.

There were no additional public comments.

**18. Discussion of the Compact and possible for exam 18 is the discussion of the possible action to determine if the Board will initiate steps to join the Compact.**

President Miller addressed the fact that the Board had already discussed the Compact at great length in item #17 and that she wanted to keep the topic on the agenda for the May meeting.

Board Member Bookwalter questioned why it would be kept on the agenda if there were not going to be any changes by the Board's next meeting.

President Miller responded that the Board does not have to keep it as a future agenda item, but if legislation is introduced before the next meeting or if the professional association requests that the Board address it then the Compact will be added to the agenda.

Vice President Morcos agreed that if nothing changes, it should not be on the agenda.

**Public Comment:**

Carlin Daley Reaume said that on behalf of OTAC, they want to provide as much support for the Compact as they can.

Vice President Morcos asked Ms. Reaume if the association was ready to take action and introduce legislation.

Ms. Reaume responded that thus far there had not been any legislative movement. There were other initiatives that have higher priority, but OTAC was open to shifting priorities based on member interest.

There were no additional public comments.

**19. Selection of locations for Board meetings to be held in May 2023, August 2023, and November 2023.**

President Miller informed the Board that the Occupational Therapy Practice Act specifies that the Board shall meet and hold at least one regular meeting annually in the cities of Sacramento, Los Angeles, and San Francisco. Ms. Miller reported that at the University of St. Augustine in San Marcos offered to host the May meeting. Additionally, the Board might consider San Francisco for the August meeting and Los Angeles for the November meeting.

Attorney Helen Geoffrey weighed in that the waiver for in person meetings is in effect through June 30<sup>th</sup>, but there is discussion to allow for a virtual option to attempt to eliminate some of the costs of travel, etc.

President Miller stated that if staff is unable to find something in San Francisco for the August meeting, the Board could consider a virtual meeting.

A robust discussion regarding San Francisco and surrounding area options for Board Meeting locations ensued.

- Vice President Morcos moved that the Board would keep the locations suggested by President Miller, including the May meeting in San Diego, the August meeting in the Bay Area, ideally San Francisco or Oakland, and the November meeting to be held in the Los Angeles area.
- Secretary Do seconded the motion.

There were no public comments.

**Board Member Votes**

Richard Bookwalter:	Yes
Hector Cabrera:	Yes
Sharon Pavlovich:	Yes

Beata Morcos: Yes  
Lynna Do: Yes  
Denise Miller: Yes

The motion carried.

### **CONVENE CLOSED SESSION**

The Board convened in Closed Session at 3:38 p.m.

### **ADJOURNMENT**

The Board meeting adjourned at 5:05 p.m.

### **FEBRUARY 10, 2023**

#### **9:30 a.m. – Board Meeting**

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

The meeting was called to order at 9:31 a.m., Secretary Lynna Do called roll and a quorum was established.

#### **Board Members Present:**

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

#### **Board Staff Present:**

Heather Martin – Executive Officer  
Jody Quesada Novey – SSM 1  
Helen Geoffroy – Attorney III  
Jeanine Orona – Enforcement Analyst  
Rachael Hutchison – Enforcement Analyst

#### **Board Member Absent:**

Hector Cabrera – Board Member

#### **21. President’s Remarks – Informational only; no Board Action to be Taken.**

President Miller welcomed everyone to day two. President Miller acknowledged that Board Member Pavlovich and Executive Officer Martin were present via WebEx.

#### **22. Board Member Remarks – Informational only; no Board Action to be Taken.**

There were no comments.

#### **23. Public Comment for Items Not on the Agenda.**

There were no public comments.

#### **24. Update from DCA’s Board and Bureau Relations**

President Miller welcomed Yvonne Dorantes, Assistant Deputy Director, Board and Bureau Relations, at DCA. Ms. Dorantes advised that she has a background as college advisor and a history of working in the public policy industry.

Yvonne Dorantes shared that DCA had introduced a new five-year strategic plan and an updated logo for DCA.

Ms. Dorantes informed the Board that the strategic plan and logo represented DCA's next chapter and future with consumer protection being a continued priority. The plan also incorporated DCA's strong commitment to diversity, equity, and inclusion as well as its commitment to each consumer.

Ms. Dorantes reminded the Board Members about the mandatory trainings and that they should have received an email with instructions on how to file their annual form 700.

A discussion regarding issues logging into the LMS training module ensued. Ms. Dorantes asked the Board Members that had issues to contact her via email.

President Miller thanked Ms. Dorantes for her presentation.

**25. Discussion and possible action on whether occupational therapists working in pelvic health perform internal (digital) examinations and provide various treatments including but not limited to, biofeedback, use of modalities and external manual therapy on clients.**

President Miller opened the floor for Board discussion regarding the public comment and whether or not it is in the scope of practice for an occupational therapist to perform internal (digital) exams.

Secretary Do stated that she thought the Board needs more information.

Board Member Pavlovich suggested the Board find out what is happening in California to address pelvic health.

Vice President Morcos asked if practitioners are being trained or certified for this.

Board Member Bookwalter added that this is usually for professions that deal with patients' recovering from childbirth, urinary issues or spinal cord injury. Mr. Bookwalter expressed his interest in reviewing the language that the Board of Physical Therapy uses in their scope of practice regarding this treatment.

President Miller agreed with everyone that the Board needed more information.

**Public comment:**

Carlin Daley Reaume volunteered to share information from the OTAC lens. Ms. Reaume stated that there was legislation introduced both within the state and nationally around post-partum care and the need for pelvic therapy. The language is written for physical therapy, so currently occupational therapists (OT) are excluded. Ms. Reaume stated that pelvic therapy is within the OT scope given the impact on activities of daily living. It does tend to center around the maternal health, but she noted that there are significant pelvic floor challenges that occur in both the male population and the pediatric population. OT practitioners graduate as generalists and can participate in ongoing training to gain expertise.



Board Member Pavlovich thanked Ms. Reaume for her in-depth explanation and expressed that more information would be helpful. Ms. Pavlovich stated that she felt everything external is acceptable, but when it comes to internal examinations or treatments, she believed that it should be an advanced practice.

There were no additional public comments.

- Board Member Bookwalter moved that Board staff to write a letter to the commenter (member of the public) to identify the actions the Board is planning to take regarding this issue, including looking at the scope of practice of other professions and other states and discuss it further at a future meeting.
- Secretary Do seconded the motion.

### **Board Member Votes**

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

The motion carried.

### **26. Update on establishing new fees to ensure the future fiscal solvency of the Board's fund. The Board may take action on this item.**

President Miller gave the floor to Executive Officer Heather Martin.

Executive Officer Heather Martin reported that fund condition shows not only a downward trend but also an eventual negative balance. Ms. Martin reminded the Board that last year the Board identified a number of fees that could be newly established and other fees raised so that the renewal fee was not the only fee that was impacted.

Ms. Martin stated that at the Board's direction, she had been in contact with the legislature about the Board's need for fee increases and was advised that part of that process would be to complete a fee bill questionnaire.

Ms. Martin explained that one of the provided documents shows the proposed increases and that displayed at the right was the corresponding increase in revenue. If the bill was introduced this year and signed by the Governor, it would take effect on January 1, 2024, which is why the column titled Budget Year 2023-24 shows estimated revenue at one half of what would be collected in fiscal year 2024-25.

Secretary Do gave an overview of the steps the ad-hoc committee took to identify new fees for services or increased fees.

Board Member Bookwalter shared that he felt okay with the numbers they previously approved set.

President Miller added that the Board had addressed the fee increase in so many forums, and the Board could choose to opt-out of responding to the continued public comments asking for explanation of the fee increase or prescribe a letter for Board staff to forward to the public commenters on their behalf.

Board Member Pavlovich stated that a response was warranted but that response should include that this topic had been discussed over many hours and many meetings which could be outlined by bullet points.

Board Member Bookwalter suggested adding that the Board is required by law to finance regulatory oversight of the profession and include a component to the response that the Board is required to be a responsible steward of licensing dollars.

There were no public comments.

- Board Member Bookwalter moved that the Board instruct staff to write a letter to the commenters identifying the reasons the board is not able to revisit the impact to the initial licensing fee.
- President Miller seconded the motion.

### **Board Member Votes**

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

The motion carried.

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

### a) Operational report.

Executive Officer Heather Martin reviewed the included report highlighting that the Board has been busy trying to fill vacant positions. Ms. Martin added that two new employees started in December and another two may start soon. Ms. Martin was also pleased to announce that Jody Quesada Novey was promoted to serve as the Board's Licensing and Administration Unit Manager.

Ms. Martin informed the Board that the vacant Enforcement Manager was recently re-advertised. She indicated that she hoped to complete the recruitment process and be able to introduce the new Enforcement Manager at the Board's May meeting.

### b) Fiscal Month (FM) 6 Revenue and Expenditure reports.

Ms. Martin reviewed the revenue and expenditure reports which showed revenue collected through December 2022 was \$1,780,383.00, which exceeded expenditures during the same period at \$1,630,826.00

c) Fund Condition.

Ms. Martin explained that the Fund Condition shows that, if revenue and expenditures occur as projected, the Board will end next fiscal year with 1.5 months in reserve.

She pointed out that the fund is projected to go negative the following year, highlighting the importance of the fee increases.

d) Licensing Data.

Executive Officer Heather Martin reviewed the included licensing application and data documents.

e) Enforcement Data.

Executive Officer Heather Martin reviewed the Enforcement data from October 1 – December 31, 2022.

f) Future Agenda Items.

Ms. Martin referenced the listing of future agenda items and also said she would add “staff to obtain additional information regarding pelvic health” to the list. Including items tabled at the February meeting, the May agenda will include:

- Language for supervision of individuals completing a doctoral capstone as a method for occupational therapists to earn PDUs.
- Consideration and possible action on amending CCR Section 4181 to specify the maximum number of fieldwork students, doctoral capstone students, limited permit holders, and OTAs that an OT may concurrently supervise.
- Consideration and possible action on amending CCR Section 4181 to specify the maximum number of fieldwork students, doctoral capstone students, and limited permit holders that and OTA may concurrently supervise.
- Consideration and possible action on determining the maximum number of students completing a non-clinical entry level doctoral capstone that can be supervised by and OT who is concurrently supervision OTAs, limited permit holders, or students completing their fieldwork.

g) Data/information Requested at Prior Meeting.

Ms. Martin commented that there was nothing to report back to the Board under this item.

h) Other Informational Items.

- AOTA Model Practice Act
- Professional License Report

**Public comment:**

“GK” commented that the Boards are independent entities, and the Board Members have the authority to make decisions independently. GK strongly encouraged the Board to change their thinking on how to approach decision making rather than relying on information from other entities.

There were no additional public comments.

**CONVENE CLOSED SESSION**

The Board convened in Closed Session at 11:58 a.m.

**RECONVENE IN OPEN SESSION**

The Board reconvened in Open Session at 12:59 p.m.

**ADJOURNMENT**

The Board meeting adjourned at 1:00 p.m.