



BOARD MEETING MINUTES

May 18 -19, 2023

University of St. Augustine
Department of Occupational Therapy
700 Windy Point Drive, San Marcos, CA 92069

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
Christine Wietlisbach – Board Member

Board Staff Present:

Heather Martin – Executive Officer
Christopher Pirrone – Attorney III
Rachael Hutchison – Enforcement Analyst
Maureen Paquette – Office Technician

Thursday, May 18, 2023

10:00 am - Board Meeting

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

The meeting was called to order at 10:00 a.m., Secretary Lynna Do called roll and a quorum was established.

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

President Denise Miller announced that in April she attended the American Occupational Therapy Association (AOTA) Annual Conference and Expo with Executive Officer Heather Martin. Ms. Miller noted that the keynote speaker, a burn victim, expressed his gratitude for, among other things, occupational therapy and physical therapy, core elements of his rehabilitation. Mary Lawlor, ScD, OTR/L, Associate Chair of Research and Professor at the USC Chan Division of Occupational Science and Occupational Therapy, recipient of the American Occupational Therapy Association’s Eleanor Clarke Slagle Lectureship award, also spoke at the conference.

President Miller stated that recently she lectured at the Occupational Therapy Association of California (OTAC) Student Series. The topic was, “A Day in the Life of Denise Miller.” Her discussion was about being intentional and focused with her approach as an occupational therapist.

President Miller also congratulated Vice President Beata Morcos on her reappointment.

3. Introduction of new Board Member.

President Denise Miller announced that with the addition of new Board Member Christine Wietlisbach, the Board was not only full, but quite distinguished.

Ms. Wietlisbach introduced herself and expressed her excitement to return to the Board. She has been an occupational therapist since 1989. She graduated Washington University in St. Louis. She later moved to California to be a traveling therapist and was subsequently hired at Eisenhower Medical Center in the Palm Springs area and has been there ever since. Ms. Wietlisbach said that she has also taught at several schools in California, including Loma Linda University and West Coast University. Ms. Wietlisbach previously served on the Board for approximately ten years and previously served on the Board of Behavioral Sciences.

4. Public Comment for Items Not on the Agenda.

President Miller announced that the Board received a letter from the Occupational Therapy Association of California regarding the use of limits on mentorship and supervision of doctoral capstone students. Ms. Miller suggested that the contents of the letter are in line with Agenda Item 15, and it would be discussed at that time.

Public Comment

Denise Tugade with SEIU United Healthcare Workers chose to introduce herself. She mentioned that the union represents nearly 100,000 healthcare workers in California including occupational therapists.

There were no additional Board member remarks.
There were no additional public comments.

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

Board Member Richard Bookwalter congratulated Vice President Beata Morcos on her reappointment. Mr. Bookwalter welcomed new Board Member Christine Wietlisbach and noted that he was excited to work with her again.

Board Member Sharon Pavlovich announced that she was recognized as Faculty of the Year at Loma Linda University and would be attending a related event the following day and would not be present at day two of the Board Meeting.

There were no additional Board member remarks.
There were no public comments.

6. Review and vote on approval of the February 9-10, 2023, Board Meeting Minutes.

Board Member Richard Bookwalter noted two non-substantive changes on page 18 of the February 9-10, 2023, Board meeting Minutes.

- Richard Bookwalter moved to approve the February 9-10, 2023, Board meeting minutes and directed Board staff to make the non-substantive changes.
- Sharon Pavlovich seconded the motion.

There were no additional Board member remarks.

There were no public comments.

Board Member Votes

| | |
|-----------------------|----------------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Yes |
| Christine Wietlisbach | Abstain |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

7. Review and vote on approval of the April 13, 2023, Teleconference Board Meeting Minutes.

- Richard Bookwalter moved to approve the April 13, 2023, Teleconference Board Meeting minutes and directed Board staff to make non-substantive changes.
- Sharon Pavlovich seconded the motion.

There were no Board member remarks.

There were no public comments.

Board Member Vote

| | |
|-----------------------|---------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Yes |
| Christine Wietlisbach | Abstain |
| Lynna Do | Abstain |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

8. Presentation on the Board’s manual and how Member’s responsibilities support and protect the California consumers of Occupational Therapy Services.

This agenda item was discussed on May 19, 2023.

President Miller reminded the Board to complete their required trainings and Form 700. Ms. Miller also asked the Board members to communicate with Executive Officer Martin if they will be traveling prior to the meetings, to ensure staff can get meeting materials to them.

Executive Officer Heather Martin added that, per DCA’s request, Board members need to provide receipts for their travel claims.

There were no additional Board member remarks.

There were no public comments.

9. Consideration and possible action on appointing Disaster Preparedness/Disaster Response Ad hoc Committee Consideration to define the roles of occupational therapists and occupational therapy assistants in disaster preparedness and disaster response.

President Miller noted that the Board had a Disaster Preparedness/Disaster Response Committee in the past and expressed her desire to reinstate it. This committee is an especially important topic where consumer protection is concerned, as we come out of a pandemic. The Board was fortunate to have telework language in place prior to the pandemic.

The Board discussed the intent of the committee and potential members in great length.

Secretary Do stated she thought establishing the committee was a great plan. She also expressed how fortunate the profession was to have telework language in the laws and regulations prior to the pandemic. She also mentioned many natural disasters are experienced in California including fires, floods, and earthquakes. Ms. Do would like to see this as an Ad-Hoc committee.

Board Member Wietlisbach suggested the Board ask former Board Member Mary Evert if she would like to be on the committee.

President Miller agreed with Ms. Wietlisbach and added that Ms. Evert was asked to be on the committee at the conference.

Board Member Bookwalter expressed his appreciation for the materials that were provided for this agenda item. One of the materials was an article by Rondalyn Whitney that focused on the pandemic while the other articles provided were primarily focused on natural disasters. He thought the narratives about immediate response versus the long-term response offered helpful perspectives.

Board Member Sharon Pavlovich stated that she agreed with the comments of other Board members made concerning the need and the value of the committee.

Board Member Cabrera mentioned that he too believed that the committee is very important.

Board Member Christine Wietlisbach added that she had another possible committee member, Mohammad Khalifa who was a firefighter before becoming an occupational therapist; he also previously served on the committee.

Secretary Do noted that at least one of the members of the committee should be someone with crisis communication expertise. The Board would need someone experienced to help get information out quickly.

Board Member Bookwalter expressed that he thinks the committee should have five members. The committee members may invite subject matter experts that do not meet the member qualifications to speak on the topic.

Board Member Cabrera mentioned former Mayor of Los Angeles Antonio Villaraigosa might be interested in being on the committee.

Executive Officer Heather Martin clarified that for standing committees, the number of members is four, except for the practice committee that has a minimum of seven members. However, this committee would be an Ad-Hoc committee, so the Board does have flexibility when deciding the number of members. There will be a meeting in June that will discuss whether or not the members can be non-licensees. Beata, Lynna, and Hector are the three Board members on the committee. Ada Boone Hoerl and Carlin Daley Reaume volunteered to participate as committee members.

President Miller suggested that the committee start by appointing a chair for the time being and members could be appointed in August if needed.

Secretary Do stated that a committee can have three or five members that are licensees in addition to having subject matter experts that can act as advisors.

President Miller started a new discussion that addressed the focus of the committee. She stated that there are some post pandemic issues that the committee could address. Ms. Miller also added natural disasters to the list of topics for the committee to discuss.

Board Member Bookwalter added fires to the list of possible natural disasters, noting that he and his colleagues had first-hand experience with fire in Sonoma County recently. Mr. Bookwalter added snow and flooding to the compiling list of natural disasters. He would also like to see public information for consumers and stakeholders referencing the areas an occupational therapy practitioners may be able to help with.

Board Member Pavlovich asked if occupational therapy practitioners are essential workers during disasters.

Mr. Bookwalter responded that a lot of the discussion surrounding whether occupational therapy practitioners are essential workers tended to be broad and is not concrete enough for him. Mr. Bookwalter felt that the focus of the committee should be more centered around occupational therapists as essential workers rather than grandstanding or promoting.

President Miller suggested that strategically the committee should look for both southern and northern California participants. She would also like to see focus on community support. For example, if they choose to focus on a fire zone, not only should the occupational therapy practitioner address what the issue is, they should focus on knowing where the resources are in the community. If the Board sets the committee up right, it might be a way of really tackling the disasters in the state of California as a profession.

Secretary Do wondered how the Board could ensure that communities know how occupational therapy practitioners can contribute to a disaster preparedness in their community.

Board Member Wietlisbach expressed that she agreed with Mr. Bookwalter in that the number one priority of the committee should be to determine what the occupational therapy profession can offer specifically. Ms. Wietlisbach opined that until the scope is determined, it may be difficult to leverage partnerships.

Board Member Bookwalter stated that his friend is a member of the Neighborhood Emergency Response Team (NERT), and she has an emergency response t-shirt that

advertises that. There are neighborhood response teams and city-wide emergency response teams and those are the structures that the committee should connect with.

Secretary Do suggested that the Board make presentations in communities to educate the public as to how occupational therapy practitioners can help them during disasters.

President Miller suggested that the committee needs to leverage funding, such as grants. Leveraging policy would also be very important. Ms. Miller expressed that she would like to see an occupational therapist, a public member, and two board members on the committee.

Board Member Bookwalter expressed interest in being the Committee Co-Chair along with Board Member Cabrera.

President Miller requested that they report to the Board at the August meeting. She asked that the number of committee members needed be decided. Ms. Miller reminded Members Bookwalter and Cabrera that Mary Evert and Mohammad Khalifa might be interested in participating. She asked the committee to report on what services occupational therapy practitioners are going to offer, such as environmental modification, and include some background on that. President Miller suggested that the committee start with narrowly defined services and then go broader. If the committee comes back in August and needs public members, they should look for participants with crisis management experience, including communication around crisis. Other topics for the committee would include post-pandemic issues, natural disasters, public communication, community resources, and leveraging partnerships with community resources, funding, and policy. The committee should identify what occupational therapy practitioners can provide as essential workers.

Public Comment

Denise Tugade spoke on behalf of SEIU United Healthcare Workers and stated that the union is appreciative of the discussion surrounding this topic. The SEIU placed high importance on access to occupational therapy services during disasters and would like to be considered a partner through this process.

President Miller invited Ms. Tugade to consider joining the committee.

There were no further Board member remarks.

There were no additional public comments.

- Lynna Do moved to establish a Disaster Preparedness/Disaster Response Ad hoc committee and appoint Board Member Hector Cabrera and Board Member Richard Bookwalter as Committee Co-Chairs.
- Christine Wietlisbach seconded the motion.

Board Member Vote

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| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Yes |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |

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| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

10. Board President announcement of Committee appointments.

President Denise Miller announced that she recommended Ms. Wietlisbach to be the Practice Committee Chair.

Executive Officer Heather Martin explained that the Practice Committee should consist of members with varied areas of practice, expertise, employer type, geographic location, etc. Ms. Martin encouraged Board members to reach out to colleagues and encourage them to participate. Board Member Richard Bookwalter who has advanced practice approval for dysphagia and expressed interest in serving on the Practice Committee.

Secretary Do mentioned that Carlin Daley Reaume would be a good fit for the Practice Committee, because of her expertise in pelvic floor therapy.

Public Comment

Susan McDermott, the Doctoral Capstone Coordinator at University of St. Augustine introduced herself. She expressed her interest in the agenda item 15, the discussion regarding supervision parameters.

- Beata Morcos moved that the Board re-establish the Practice Committee with Board Member Christine Wietlisbach serving as Committee Chair and Board Member Bookwalter as a Committee member.
- Beata Morcos amended her motion to appoint Board Member Christine Wietlisbach as Committee Chair. and remove the appointment of Board Member Bookwalter as a Committee member.
- Sharon Pavlovich seconded the motion.

There were no further Board member remarks.

There were no additional public comments.

Board Member Vote

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|-----------------------|-----|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Yes |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

11. Status update on fee increases to ensure the future solvency of the Board's fund.

Executive Officer Martin explained that, despite years of significant cost-saving measures, due to expenditures exceeding the revenue collected, the Board needs to increase fees. The Board approved proposed legislative language in August 2022, however, revenue

collected was higher than expected, meaning the Board's fund would not go negative as soon as originally projected.

Ms. Martin stated that the Board having more revenue meant there was more time to complete a fee study and have legislative introduced in 2024. However, because the Board is one of several Boards that need a fee increase, there is a bill in the current legislative session that may be an option. If the Board was added to the bill, there would not be time for the fee study process.

President Miller concluded that if Senate Bill 816, is amended to add the Board, the Board would hold a special meeting and write a letter supporting the legislation.

12. Consideration and possible action on amending Business and Professions Code sections 2570.16 and 2570.17 to increase fees and establish new fees charged by the Board to ensure adequate funding.

President Miller explained this topic was discussed concurrently with Agenda Item 11 and further discussion was not necessary.

13. Consideration and possible action on Board policy revised at February 2023 meeting regarding reviewing disciplinary cases sent to Members via mail for ballot vote.

This agenda item was addressed on May 19, 2023.

President Miller announced agenda item 13 would be discussed at the August Board meeting. At that time, the Board's assigned attorney, Helen Geoffrey, would be present to weigh in on the topic.

There were no Board member remarks.
There were no public comments.

14. Consideration and possible action on amending California Code of Regulations (CCR), Title 16, Division 39, Section 4180, Definitions, to define "Doctoral Capstone student."

Executive Officer Heather Martin provided an overview of the proposed language and explained that "Doctoral Capstone Student," needed to be defined in order to be consistent.

- Richard Bookwalter moved to approve the proposed language for noticing to amend California Code of Regulations (CCR), Title 16, Division 39, Section 4180, Definitions, to define "Doctoral Capstone Student."
- Beata Morcos seconded the motion.

There were no Board member remarks.
There were no public comments.

Board Member Vote

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|--------------------|-----|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Yes |

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| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

15. Consideration and possible action on amending CCR Title 16, Division 39, Section 4181, Supervision Parameters, to specify:

- a) The maximum number of fieldwork students, doctoral capstone students, limited permit holders and occupational therapy assistants that an occupational therapist may concurrently supervise; and**
- b) The maximum number of fieldwork students, doctoral capstone students, and limited permit holders that an occupational therapy assistant may concurrently supervise.**

President Miller referred to the letter the Board recently received from the California Occupational Therapy Association regarding the use of limits on mentorship and supervision of capstone students for occupational therapists.

Executive Officer Heather Martin explained that when the Board previously decided on “supervising no more than three,” it was based on doctoral capstone students in general and did not distinguish between types of capstone experiences.

Board Member Richard Bookwalter opined that the topic should go back to the committee. Mr. Bookwalter expressed that the letter opposed the language because doctoral capstone students of all types are being grouped together with Fieldwork II students and others.

Board Member Sharon Pavlovich mentioned that each school defines the capstone experience differently and each experience does not require the same level of supervision. Ms. Pavlovich noted that to allow for innovation and creativity, the authors of the letter may not want limitations on the supervision models but would rather have the freedom to find the perfect fit for supervision on an individual basis.

President Miller opposed the removal of occupational therapy from the language. The Accreditation Council for Occupational Therapy Education (ACOTE) standards address each area that the letter mentions. She could support supervision being done by the subject matter expert but wants a final assessment done by an occupational therapist who would confirm the capstone experience was relevant to the field, the research was in line with the profession’s frame and scope, and that it was a service that would be provided to consumers.

Board Member Pavlovich expressed concern that supervision already has so many limitations and that coupled with the fact that is difficult to find enough supervisors, she could not support placing additional limitations on supervision.

The Board supported sending the topic back to the Administrative Committee with the letter for further discussion.

Public Comments

Susan McDermott, Doctoral Capstone Coordinator at the University of St. Augustine, explained that each doctoral capstone experience is unique, and the majority of their students are focusing on program development not direct patient care. The University of St. Augustine defines the word “mentorship,” in line with the ACOTE standards. But supervision (mentorship) of the capstone experience is different than the supervision of those providing services.

President Denise Miller asked if Ms. McDermott, a Doctoral Capstone Coordinator, has signed off on, for example, a social worker being a supervisor.

Ms. McDermott responded that the student has a team. The faculty member on their team is an occupational therapist. The student has a mentor, which does not have to be an occupational therapist. There is also a site supervisor; but the process varies from school to school. Ms. McDermott further explained that she is responsible for making sure the experience is within the scope and that it benefits the profession.

Ms. McDermott confirmed that the students have completed six months of clinical experience before they begin their capstone experience. The capstone experience starts after the fieldwork has been completed, which is an ACOTE requirement. The capstone experience is meant to be an in-depth experience into one of the areas noted in the letter.

Executive Officer Heather Martin noted that this topic is being discussed because the continuing responsibility for the fieldwork students, doctoral capstone students, limited permit holders and occupational therapy assistants that an occupational therapist may concurrently supervise is large and some programs are not using good judgment as far as how many of these students are being supervised at a time.

Ms. McDermott explained that she does not see a risk to the consumer if an occupational therapist is supervising more than three doctoral capstone students concurrently because the capstone projects do not involve clinical practice or direct patient care.

Board Member Bookwalter expressed that as regulators, the Board would need to distinguish between clinical settings and other non-clinical capstone settings. In that regard, Mr. Bookwalter supported sending the topic back to committee for further analysis.

Board Member Pavlovich agreed that the discussion should go back to the committee. Ms. Pavlovich expressed that the ACOTE standards are ambiguous by design and does not want the Board to over-regulate.

President Miller agreed with Ms. Pavlovich and stated that the committee want to be in line with the ACOTE standards.

Denise Tugade acknowledged Mr. Bookwalter’s comment regarding the distinction between what is direct patient care and what is not. She recognized the challenge of distinguishing between different types of care and suggested looking at the capstone experience settings to help make distinctions as opposed to the scope.

President Miller expressed appreciation to the public commenters.

- Sharon Pavlovich moved to send Agenda Item 15, regarding supervision parameters, for doctoral capstone students, to the Administrative Committee with the accompanying OTAC letter.
- Beata Morcos seconded the motion.

There were no additional Board member remarks.
There were no additional public comments.

Board Member Vote

| | |
|-----------------------|-----|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Yes |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

CONVENE CLOSED SESSION

The Board convened in Closed Session to discuss disciplinary matters at 1:48 pm

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 3:40 pm in order to adjourn the meeting.

ADJOURNMENT

The meeting was adjourned at 3:41 p.m.

BOARD MEETING MINUTES

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Department of Occupational Therapy
700 Windy Point Drive, San Marcos, CA 92069

Board Members Present:

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

Board Staff Present:

Heather Martin – Executive Officer
Rachael Hutchison – Enforcement Analyst
Maureen Paquette – Office Technician
Christopher Pirrone – Attorney III

Board Members Absent:

Sharon Pavlovich – Board Member

Friday, May 19, 2023

9:30 am - Board Meeting

b) Call to order, roll call, establishment of a quorum.

The meeting was called to order at 9:33 a.m. Secretary Lynna Do called roll and a quorum was established.

c) President's Remarks – Informational only; no Board Action to be taken.

President Miller thanked the University of St. Augustine for hosting the Board Meeting and welcomed the members of the public in attendance.

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

There were no Board member remarks.

e) Public Comment for Items Not on the Agenda.

President Miller acknowledged the members of the public and asked if they would like to introduce themselves.

Kersten Laughlin, a University of St. Augustine faculty member introduced herself. Ms. Laughlin noted she also serves on the OTAC Advocacy and Government Affairs Committee and expressed her excitement for being in attendance.

Angela Palassio, a Level II occupational therapy student at the University of St. Augustine, chose to introduce herself.

Nicole Bautista, another occupational therapy student at the University of St. Augustine, introduced herself.

Denise Tugade, a Government Relations Advocate from SEIU United Healthcare Workers, chose to introduce herself.

There were no additional public comments.

f) Update on the Occupational Therapy Licensure Compact and possible Board action.

This agenda item was discussed on May 18, 2023.

President Denise Miller introduced the agenda item and reminded the Board that it is a placeholder.

Board Member Bookwalter provided an overview of the Occupational Therapy Licensure Compact (Compact) to the members of the public in attendance, which included an occupational therapy class from the University of St. Augustine.

President Miller confirmed that currently, in California there are not any licensure Boards that participate in a Compact. The Board had received public feedback in support of the Compact. The Board is hesitant to join, as California is a highly regulated state, and the Compact is not in alignment with California standards. Thus, the Board will leave this topic as a placeholder until there are changes.

Public Comment:

The Board engaged in a robust conversation with the University of St. Augustine occupational therapy students regarding the specifics of how California compares to other states in the applicant screening process.

Board Member Pavlovich added that it is difficult to carry out the enforcement process or disciplinary actions against out of state licensees who have omitted commission of acts which are violations of the Board's laws and or regulations.

Executive Officer Martin explained that in the early stages of the licensure compact, background checks were not a requirement. In California, background checks are required and in fact, an applicant can be denied a license based on the results. However, the Compact now requires an FBI fingerprint-based criminal background check.

Board Member Wietlisbach added that prior to the Compact requiring a criminal background check, if California had agreed to join the licensure compact, an applicant who was previously denied licensure in California as a result of their background check could get licensed in another less strict compact state that didn't require a background check and then work in California.

Board Member Pavlovich clarified to the occupational therapy students that a licensee could only work in states that are also members of the Compact.

When asked why the standards varied from state to state, Mr. Bookwalter explained that it is difficult for all the states to have the same standards because each state wants local control.

There were no additional Board member remarks.

There were no additional public comments.

g) Discussion and consideration of taking a position on proposed legislation impacting the Board, including:

This agenda item was discussed on May 19, 2023.

a) Report on Pending Legislation.

Items (b) through (p) are summarized in Item (a) titled Legislative report on pending bills.

b) Assembly Bill **(AB) 47** (Boerner), Pelvic floor physical therapy coverage.

Executive Officer Heather Martin mentioned the Board has not taken a position on AB 47. If the Board decided that pelvic health is within an occupational therapist's scope, then the Board should ask the authors to include occupational therapy in the language.

Board Member Bookwalter stated that he attended the OTAC Legislative Committee meeting and heard that AB 47 is being held by the author due to the number of comments received. The bill would be brought back next year, and no further action was expected during this legislative session.

Public Comment

Kersten Laughlin, University of St. Augustine faculty, noted that Carlin Daley Reaume has advocated to include occupational therapy in AB 47.

Board Member Christine Wietlisbach expressed her support for AB 47, if amended to include occupational therapy.

Secretary Do agreed with Ms. Wietlisbach but felt it was best to watch AB 47 at this stage.

Board Member Wietlisbach countered that it is imperative that the Board express a strong message of support, if amended, while AB 47 is in the early stages.

There were no additional Board member remarks.

There were no additional public comments.

- Christine Wietlisbach moved to write a letter to the author in support of AB 47, if amended to include occupational therapy.

There was no second for the above motion but discussion regarding the need for the motion to include direction to Board staff.

- Lynna Do moved to direct staff to write a letter in support of AB 47, if amended to include occupational therapy.
- Beata Morcos seconded the motion.

There were no public comments.

Board Member Vote

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|-----------------------|---------------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Absent |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

c) **AB 381** (Rubio), Teacher credentialing: services credential with a specialization in health: occupational and physical therapists.

President Miller noted that OTAC is watching AB 381 closely.

Board Member Bookwalter added that OTAC is sponsoring AB 381 and it is with the Appropriations Committee. There is a law that a union cannot represent both credentialed and classified employees and most licensees do not want to be forced to get credentialed. Mr. Bookwalter expressed his support AB 381.

- Richard Bookwalter moved that the Board support AB 381 and directed Board staff to write a letter of support to the author.
- Beata Morcos seconded the motion.

There were no additional Board member remarks.
There were no public comments.

Board Member Vote

| | |
|-----------------------|---------------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Absent |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

d) **AB 656** (McCarty), California State University (CSU): doctoral programs.

Board Member Bookwalter explained that AB 656 removed some of the complexities for California State Universities to offer other vocational doctorates. The bill did not directly affect the Board, because occupational therapy has already been addressed in a previous bill.

The Board agreed to watch AB 656.

e) **AB 796** (Weber), Business and Professions Code, relating to athletic trainers.

Executive Officer Heather Martin reported that the author's office is in discussions with Assembly Business and Professions Committee and the California Medical Association due to the interest of the Athletic Trainers committee moving under CBOT.

President Miller noted that previously, the Board supported the athletic trainers moving under occupational therapy. However, AB 796 went forward, with intent to move under the Medical Board. Ultimately, the Medical Board opposed AB 796, unless amended to move athletic trainers from under their Board and back to CBOT.

Ms. Martin and Ms. Miller further explained that the athletic trainers had opposition from the California Physical Therapy Association, OTAC, Certified Nursing Association, California Academy of Physician's Assistants, and United Nurses Association of Healthcare Professionals. Due to the Medical Board most recently expressing opposition to allowing the athletic trainers to move under their Board, more amendments to AB 796 will be forthcoming.

Ms. Miller stated that a special meeting will be held to discuss AB 796 if amendments impact the Board.

Secretary Do noted that AB 796 did not affect the Board as it stood.

The Board agreed to **watch** AB 796.

There were no additional Board member comments.

There were no public comments.

f) **AB 883** (Mathis), Business licenses: United States Department of Defense Skill Bridge program.

Executive Officer Heather Martin explained that the Board's online licensing system, Breeze, is modified in such a way such that applicants who fall into expedited categories, go into a special queue where their applications are processed by Board staff faster than general applications.

Board Member Bookwalter explained that the United States Department of Defense SkillBridge Program would be included as an expedited category under AB 883. Mr. Bookwalter recommended that the Board watch AB 883.

Ms. Martin confirmed that if AB 883 passed, it would not create a hardship to Board staff.

- Christine Wietlisbach moved to **support** AB 883.
- Richard Bookwalter seconded the motion.

There were no additional Board member remarks.

There were no public comments.

Board Member Vote

| | |
|-----------------------|---------------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Absent |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

g) **AB 996** (Low), Department of Consumer Affairs: continuing education: conflict of interest policy.

Board Member Bookwalter mentioned that OTAC and AOTA profit from continuing education courses and he wanted to know how AB 996 would affect those associations.

It was President Miller’s opinion that AB 996 did not include the associations.

Ms. Wietlisbach believed that AB 996 was about providers of continuing education courses that have a commercial interest in products that were being promoted in the courses.

Mr. Bookwalter recalled, during his attendance at the International Seating Symposium, prior to presenting the providers disclosed that they would be promoting Permobil products. Mr. Bookwalter added that disclosures of that nature are commonplace in his area of expertise.

Ms. Wietlisbach expressed her support for AB 996.

Executive Officer Heather Martin noted that the author of AB 996 values continuing education and the intent of AB 996 is to ensure high quality services that reflect the current standards of the profession are provided to occupational therapy patients.

The Board agreed to **watch** AB 996.

Public Comment

Denise Tugade, on behalf of SEIU United Healthcare Workers, noted that the union is not taking an official position on AB 996, but they have several workforce intermediaries which provide continuing education. The term “commercial product” was very broad and should include education materials. SEIU would be watching AB 996.

There were no additional Board member remarks.

There were no additional public comments.

h) **AB 1028** (McKinnor), Reporting of crimes: mandated reporters.

This bill would, on and after January 1, 2025, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct, and instead only require that report if the health practitioner suspects a patient has suffered a wound or physical injury inflicted by the person’s

own act or inflicted by another where the injury is by means of a firearm, a wound or physical injury resulting from child abuse, or a wound or physical injury resulting from elder abuse.

The Board expressed concern as to whether Adult Protective Services is considered law enforcement and desired additional clarification of the bill overall.

Executive Officer Martin suggested that the Board request an analysis of AB 1028 from the Board's attorney.

The Board agreed it would be beneficial to have the Board Attorney conduct an analysis of AB 1028, before taking a position on the topic.

- Lynna Do moved to request Legal to conduct an analysis of AB 1028 and report back to the Board.
- Beata Morcos seconded the motion.

There were no additional Board member remarks.

There were no public comments.

Board Member Vote

| | |
|-----------------------|---------------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Absent |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

i) **AB 1369** (Bauer-Kahan) Healing arts licensees. Out-of-state physicians and surgeons: telehealth: license exemption.

Executive Officer Martin explained that she added AB 1369 to the agenda as a placeholder. AB 1369 might require the Board to amend their regulations to add or change a code section, however, a position letter is not necessary.

The Board agreed to **watch** AB 1369.

There were no additional Board member remarks.

There were no public comments.

j) **AB 1612** (Pacheco), Health and Safety Code, relating to clinics licensure.

Board Member Bookwalter noted that from a consumer protection standpoint, AB 1612 may not affect the Board. He recommended the Board watch AB 1612.

The Board agreed to **watch** AB 1612.

There were no additional Board member remarks.

There were no public comments.

k) **AB 1707** (Pacheco), Health professionals and facilities: adverse actions based on another state's law.

Board Member Christine Wietlisbach questioned the relevancy of AB 1707 to the Board.

Ms. Martin replied that she did not have enough information about the practice requirements to comment on the relevancy of AB 1707.

President Miller suggested the Board watch AB 1707.

The Board agreed to **watch** AB 1707.

There were no additional Board member remarks.

There were no public comments.

l) **SB 372** (Menjivar), Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Board Attorney Christopher Pirrone noted concern as to how the Board would implement SB 372's requirement of updating a licensee or registrant license by replacing references to the former name or gender on the license or registration. The Board would still need to be consistent with Business and Professions Code 27, which requires the public to have access to disciplinary actions. Mr. Pirrone stated that the Department of Consumer Affairs (DCA) is pursuing clarification of this bill.

Board Member Richard Bookwalter stated there could be a confidentiality issue if a person did not want to disclose that they are transgender due to safety issues and discrimination concerns. Mr. Bookwalter was also concerned that the legislation would limit consumer protection.

President Miller expressed that she agreed with Mr. Bookwalter's apprehensions. Ms. Miller added that she was concerned about the implementation of the requirement and whether there would be a financial burden to the Board.

Secretary Lynna Do reminded the Board that the SB 372 would have to go through Appropriations Committees in both houses. Ms. Do echoed Mr. Bookwalter's concerns. She agreed licensees should have the right to change their name on their license, however, from a consumer protection standpoint the Board would be faced with the difficult task of maintaining a licensee's privacy while also keeping their former identity linked to their new identity.

President Miller said she was more comfortable taking the position oppose unless amended. She suggested that the position letter could include a statement that captured the Board's appreciation of movement toward equality but was opposed due to the financial and confidentiality implications.

Executive Officer Martin confirmed that the Board's database did not currently have a non-binary option. Board staff would likely have to manually change genders in the database. She stated that redacting name and gender information could be seen as an indicator of a

change to the public and she was unsure how the Board could reconcile the public protection issue and privacy issues.

Secretary Do expressed that she agreed with Ms. Miller’s proposal to oppose with the caveat that the Board would support the bill if the issues of consumer protection and confidentiality were in alignment.

- Lynna Do moved to direct Board staff to write a letter of **oppose, unless amended**. The letter should acknowledge the Board appreciated the intent of the bill, however, the Board had concerns regarding the confidentiality, consumer protection, and financial implications.
- Beata Morcos seconded the motion.

Public Comments

Kersten Laughlin, faculty at University of St. Augustine, commented that she SB 372 to be thought-provoking and expressed appreciation for the legislation promoting a more inclusive profession. Ms. Laughlin was curious what the policies and legislation in other states look like regarding this topic.

Jennie DiGrado, OTR, Assistant Professor MOT /OTD Program at University of St. Augustine, chose to introduce herself.

There were no additional Board member remarks.
There were no additional public comments.

Board Member Vote

| | |
|-----------------------|---------------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Absent |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

m) **SB 525** (Durazo), Minimum wage: health care workers.

Board Member Bookwalter expressed that from a consumer protection standpoint, he is not comfortable commenting on wages.

President Miller agreed with Mr. Bookwalter.

Secretary Do added that SB 525 did not involve regulatory or consumer protection issues. The Board agreed to **watch** SB 525.

Public Comment:

Denise Tugade, with SEIU United Healthcare Workers commented that the union is a proud sponsor of SB 525. California was facing a workforce crisis prior to the pandemic and is now facing a full-scale worker shortage. 83% of their workers reported being short-staffed. The union hoped this bill would address access and retention issues.

There were no additional Board member comments.
There were no additional public comments.

n) **SB 544** (Laird), Government Code, relating to state government.

President Miller and Vice President Morcos both expressed support for SB 544. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting. This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

Executive Officer Martin noted that she was concerned about maintaining privacy of the participant's home address.

Mr. Bookwalter reminded the Board that this model was used during the pandemic with success. It was not only cost effective, but it also improved public access to the meetings.

- Beata Morcos moved to direct Board staff to write a letter of **support** of SB 544 to the authors.
- Richard Bookwalter seconded the motion.

There were no additional Board member remarks.
There were no public comments.

Board Member Vote

| | |
|-----------------------|---------------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Absent |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

o) **SB 805** (Portantino), Welfare and Institutions Code, relating to health care coverage.

Board Member Richard Bookwalter pointed out that occupational therapy assistants were not included as qualified service providers in the new iteration of SB 805.

President Denise Miller announced that she opposes the bill. From her perspective, SB 805 is designed to limit the scope of the occupational therapy assistant.

Board Member Wietlisbach opined that occupational therapy assistants might not be included due to the level of their education compared to the other practice areas. Ms. Wietlisbach stated that she opposed SB 805.

Secretary Do noted that California already has a healthcare worker shortage and believed SB 805 might make it worse.

President Miller stated she wanted to oppose SB 805, unless amended. The support for that would be the scope of practice, the qualification plan, and access for the occupational therapists and occupational therapy assistants.

- Richard Bookwalter moved to direct Board staff to write a letter of **oppose, unless amended** to restore the language that allowed the occupational therapy assistants to participate fully as a qualified service provider.
- Board Member Do seconded the motion.

There were no additional Board member remarks.
There were no public comments.

Board Member Vote

| | |
|-----------------------|---------------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Absent |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

p) **SB 816** (Roth), Professions and vocations.

Executive Officer Martin explained that SB 816 will be amended to include the Board in the language regarding fee increases for CBOT when it goes to the assembly. Ms. Martin's recommendation was to watch SB 816.

President Miller informed the Board that they will likely need to hold teleconferences for SB 816 and AB 796 once the amendments are made.

The Board agreed to watch SB 816.

There were no additional Board member remarks.
There were no public comments.

Executive Officer Heather Martin summarized the Board's positions as follows:

| | |
|---------|-------------------------------|
| AB 47 | Support, If Amended |
| AB 381 | Support |
| AB 656 | Watch |
| AB 796 | Watch |
| AB 883 | Support |
| AB 996 | Watch |
| AB 1028 | <i>Request Legal Analysis</i> |
| AB 1369 | Watch |

AB 1612 Watch
AB 1707 Watch
SB 372 Oppose, Unless Amended
SB 525 Watch
SB 544 Support
SB 805 Oppose, Unless Amended
SB 816 Watch

h) Selection of date(s) of November 2023 Board meeting.

This agenda item was discussed on May 18, 2023.

President Miller explained that the Board's assigned attorney, Helen Geoffroy, was not available for the Board meeting currently scheduled November 16-17, 2023, in Los Angeles, and requested the Board select new dates to accommodate her schedule.

The Board decided to hold the Board meeting on November 2-3, 2023.

- Board Member Christine Wietlisbach moved to reschedule the Board Meeting to November 2-3, 2023.
- Vice President Beata Morcos seconded the motion.

There were no additional Board member remarks.
There were no public comments.

Board Member Vote

| | |
|-----------------------|---------------|
| Richard Bookwalter | Yes |
| Hector Cabrera | Yes |
| Sharon Pavlovich | Absent |
| Christine Wietlisbach | Yes |
| Lynna Do | Yes |
| Beata Morcos | Yes |
| Denise Miller | Yes |

The motion carried.

i) New suggested agenda items for a future meeting.

President Miller welcomed the Board to provide suggestions for new topics to be discussed at future Board meetings.

The Board members did not have suggestions for new topics.
There were no public member comments.

24. Executive Officer's Report.

a) Operational report.

Executive Officer Heather Martin stated that operationally, she planned to fill the vacant Enforcement Manager and Associate Governmental Program Analyst positions in June/July; and hoped to fill the Board's Probation Monitor position in August/September.

b) Fiscal Month (FM) 9 revenue and expenditure reports.

Ms. Martin noted that the Board revenue was higher than the expenditures.

c) Fund condition statement based on FM 9.

Ms. Martin noted that the fund balance and the operating reserves were both trending down, which validated the need for the fee increases.

d) Licensing data for 1/1/2023 – 3/31/2023.

e) Enforcement data for 1/1/2023 – 3/31/2023.

f) Future Agenda Items.

Ms. Martin explained that the number of topics the Board wished to discuss is often more than what can be accomplished in one meeting, therefore, the topics are spread throughout the year. The topics will be prioritized at the Board's discretion.

f) Data or information requested at prior Board meeting. (No Board action can be taken.)

No information provided.

h) Other informational items. (No Board action can be taken.)

No information provided.

There were no Board member remarks.

ADJOURNMENT

The Board meeting adjourned at 12:23 p.m.