



**** AMENDED ****

BOARD MEETING NOTICE & AGENDA

August 24 - 25, 2023

**Samuel Merritt University
Health Education Center
1st Floor, Bechtel Room,
400 Hawthorne Ave., Oakland, CA 94609**

IMPORTANT NOTICE TO THE PUBLIC

All times indicated, other than those identified as “time certain,” are approximate and subject to change.

Action may be taken on any item on the agenda. Agenda items may be discussed, and action taken out of order at the discretion of the California Board of Occupational Therapy (Board) President for convenience, to accommodate speakers, or to maintain a quorum. The meeting may be canceled without notice. For verification of the meeting, call (916) 263-2294 or access the Board’s website.

Thursday, August 24, 2023

10:00 am - Board Meeting

The public may provide comment on any issue before the Board at the time the agenda item is discussed. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment.

1. Call to order, roll call, establishment of a quorum.
2. President’s Remarks – Informational only; no Board Action to be taken.
3. Board Member Remarks – Informational only; no Board Action to be taken.
4. Public Comment for Items Not on the Agenda.
Please note: The Board may not discuss or take action on this agenda item except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125 and 11125.7(a)]
5. Review and vote on approval of the May 18 - 19, 2023, Board meeting minutes.
6. Executive Officer update on Public Law 117-333, Portability of Professional Licenses of Servicemembers and their Spouses.

7. Executive Officer update on functionality changes to BreEZe (on-line licensing and enforcement system).
8. Consideration and possible action to initiate a rulemaking package to amend California Code of Regulations (CCR), Title 16, Division 39, Section 4110, Applications, Section 4111, Place of Filing, Section 4112, Review of Application, and Section 4114, Abandonment of Application.
9. Consideration and possible action to initiate a rulemaking package to amend CCR, Title 16, Division 39, Section 4102, Filing of Addresses, Section 4151, Hand Therapy, Section 4152, Physical Agent Modalities, Section 4153, Swallowing Assessment Evaluation, or Intervention, Section 4154, Education and Training, Section 4161, Continuing Competency, and Section 4162, Completion and Reporting Requirements.
10. Consideration and possible action to initiate a rulemaking package to amend CCR, Title 16, Division 39, Section 4101, Delegation of Certain Functions, Section 4141, Assessment of Administrative Fines, Section 4146, Definitions, Section 4146.5, Effective Dates of Decisions, Section 4147, Disciplinary Guidelines, Section 4147.5, Uniform Standards Related to Substance Abuse, and Section 4149.1, Revocation for Sexual Contact; and add Section 4146.1, Substantial Relationship Criteria, Section 4146.7, Rehabilitation Criteria for Applicants, Section 4146.8, Rehabilitation Criteria for Licensees, Section 4147.7, Probation Monitoring Costs, Section 4149.6, Petitions for Modification of Penalty or Termination of Probation, and Section 4149.7, Petitions for Reinstatement of License.
11. Discussion and possible action on whether occupational therapists working in pelvic health can perform internal (digital) examinations and provide various treatments including but not limited to, biofeedback, use of modalities and external manual therapy on clients.
12. Executive Officer update on scheduling of Committee meetings.
13. Board President to provide update on Committee appointments. Discussion and possible action by Board on licensees interested in serving on a Committee.
14. Administrative Committee recommendation to the Board on amending CCR Title 16, Division 39, Section 4181, Supervision Parameters, to specify the maximum number of students completing a clinical or non-clinical doctoral capstone experience, that can be supervised by an occupational therapist or occupational therapy assistant.
 - a) Highlights from the August 18, 2023, meeting.
 - b) Acceptance of March 22, 2023, Administrative Committee meeting minutes.
 - c) Proposed regulatory language amending Section 4181.

CONVENE CLOSED SESSION

The Board will meet in closed session pursuant to Government Code Section 11126(c)(3) to deliberate and vote on disciplinary matters.

RECONVENE IN OPEN SESSION

Recess for the day

Friday, August 25, 2023

9:00 am - Board Meeting

DISCUSSION AND ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THE AGENDA.

15. Call to order, roll call, establishment of a quorum.
16. President's Remarks – Informational only; no Board Action to be taken.
17. Board Member Remarks – Informational only; no Board Action to be taken.
18. Public Comment for items not on the Agenda.
Please note: The Board may not discuss or take action on this agenda item except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125 and 11125.7(a)]
19. Update on the Occupational Therapy Licensure Compact and possible Board action.
20. Status update on legislation to increase and establish new fees.
21. Discussion on legal analysis of proposed amendments to Assembly Bill (AB) 1028, Reporting of crimes: mandated reporters; and consideration of taking a position on the bill.
22. Discussion and consideration of taking a position on proposed legislation impacting the Board, including:
 - a) Report on Pending Legislation.
 - b) Assembly Bill (AB) 47 (Boerner), Pelvic floor physical therapy coverage.
 - c) AB 381 (Rubio), Teacher credentialing: services credential with a specialization in health: occupational and physical therapists.
 - d) AB 656 (McCarty), California State University: doctoral programs.
 - e) AB 796 (Weber), Business and Professions Code, relating to athletic trainers.
 - f) AB 883 (Mathis), Business licenses: United States Department of Defense Skill Bridge program.
 - g) AB 996 (Low), Department of Consumer Affairs: continuing education: conflict-of-interest policy.
 - h) AB 1369 (Bauer-Kahan), Business and Professions Code, relating to healing arts.
 - i) AB 1612 (Pacheco), Health and Safety Code, relating to clinics licensure.
 - j) AB 1707 (Pacheco), Health professionals and facilities: adverse actions based on another state's law.
 - k) Senate Bill (SB) 372 (Menjivar), Department of Consumer Affairs: licensee and registrant records: name and gender changes.
 - l) SB 525 (Durazo), Minimum wage: health care workers.
 - m) SB 544 (Laird), Government Code, relating to state government.
 - n) SB 802 (Roth), Licensing boards: disqualification from licensure: criminal conviction.
 - o) SB 805 (Portantino), Welfare and Institutions Code, relating to health care coverage.
 - p) SB 816 (Roth), Professions and vocations

23. New suggested agenda items for a future meeting.
24. Selection of 2024 meeting dates.
25. Executive Officer's Report.
 - a) Operational report.
 - b) Fiscal Month (FM) 12 revenue and expenditure reports.
 - c) Fund condition statement based on FM 12.
 - d) Licensing data for 4/1/2023 – 6/30/2023.
 - e) Enforcement data for 4/1/2023 – 6/30/2023.
 - f) Future Agenda Items.
 - g) Data or information requested at prior Board meeting. (No Board action can be taken.)
 - h) Other informational items. (No Board action can be taken.)

Meeting adjournment.

The meeting may be cancelled without notice. For verification, please check the Board's website at www.bot.ca.gov or call 916-263-2294 to verify meeting details.

In the event a quorum of the Board is unable to attend the meeting, or the Board is unable to maintain a quorum once the meeting is called to order, the Board president may, at his or her discretion, allow the remaining members to discuss items from the agenda and to make recommendations to the full board at a future meeting.

Opportunity for public comment is provided for each open agenda item. The Board President may apportion available time among those who wish to provide comment.

Public comments may be limited, in the discretion of the Board, as circumstances require. In the event that public comment is limited, members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make a request to Rachael Hutchison at (916) 263-2294, by sending an email to cbot@dca.ca.gov, or by mailing a written request to 1610 Arden Way, Suite 121, Sacramento, CA 95815. Providing at least five working days' notice before the meeting will help ensure the availability of accommodations or modifications.

For further information on this meeting and agenda, contact Rachael Hutchison at (916) 263-2294 or submit a written request to cbot@dca.ca.gov or by mailing a request to 1610 Arden Way, Suite 121, Sacramento, CA 95815. This agenda as well as Board meeting materials and meeting minutes can be found at the Board's website at www.bot.ca.gov.