PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

Public Comment received via email

Hello,

My name is (name redacted), OT and I respectfully oppose the fee increases proposed to take effect January 2024. Multiple fee increases are excessive including the Retiree Fee increase from $25 to $100. This is a 400% increase without any rationale to explain the reasoning behind how it was decided $100 would be the new fee. The proposed biennial OT license fee is 59% higher than the current fee of $220. In reviewing current regulations, there does not appear to be a fee to submit an application for Advanced Practice. New proposed regulation changes would require a $200 application fee to obtain Advanced Practice Certification. This could potentially deter clinicians to pursue Advanced Practice Certification. A more gradual increase in fees would have been more understandable. I have reviewed the minutes from prior CBOT Board Meetings and I do not see rationale to explain the reasoning for the amount of fee increases other than a comparison to license fees of other disciplines. According to prior CBOT minutes, CBOT paid to have a fee study by a consultant. If that is the case, the results of that fee study should be made public on CBOT webpage. I don't think that increasing fees during a time when inflation is substantially higher is sensitive to CBOT members. I appreciate the thoughtfulness of prior discussions and efforts for fiscal responsibility. enI request the CBOT Board Members revise the fee increases to be no more than 25% increase over current fees.

Sincerely,
L.N.

AGENDA ITEM 5

REVIEW AND VOTE ON APPROVAL OF THE MAY 18-19, 2023, BOARD MEETING MINUTES.

The meeting minutes are included for review.

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
1610 Arden Way, Suite 121, Sacramento, CA 95815
P (916) 263-2294 | F (916) 567-9534 | cbot@dca.ca.gov | www.bot.ca.gov

Draft

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 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 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 nurse, 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

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

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

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.

<u>Board Member Vote</u>

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes

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

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
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

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 notedthat 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	*Request Legal Analysis*
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.

PUBLIC LAW 117-333, PORTABILITY PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES.

Please Note: This law can be found at:

https://www.congress.gov/117/plaws/publ333/PLAW-117publ333.pdf

AGENDA ITEM 7

UPDATE ON FUNCTIONALITY CHANGES TO BREEZE.

Breeze Updates 01/2022 - 08/2023

- **Reinstatement of licenses to assist with the pandemic (1/2022)**

  Extend 01/01/2022 expiration date to 04/01/2022 for reinstated cancelled, retired, and expired license.

- **Attachment's page added to online renewal (4/2022)**

  Allows licensees to upload documents to be submitted with renewal.

- **Active-duty military spouse application and initial license waiver (7/2022)**

  DCA-wide, effective July 1, 2022: All fees charged by a board associated with submitting an application for licensure and the initial license fee, are waived for active-duty military legal partner holding an out of state license.

- **New HCAI Work Force Planning Survey (7/2022)**

  DCA along with the Department of Health Care Access and Information (HCAI) replaced the previous online demographics survey per new statutory requirements. The questions are asked online via Breeze when an applicant pays the initial license fee and at the time of license renewal.

- **Petition for Modification of Probation (7/2022)**

  An online transaction that allows a licensee to request an application to petition the Board to modify the terms of their probation.

- **Petition for Early Termination of Probation (7/2022)**

  An online transaction that allows a licensee to request an application to petition the Board for early termination of their probation.

- **Additional document transaction added to Breeze for applicants and licensees (8/2022)**

  This transaction allows applicants and licensees to upload additional documents for their initial license application, renewal application and pending enforcement case(s).

- **Separate Discipline & Conviction Questions for the Online Renewal (1/2023)**

  This change was made to accurately capture whether a licensee is answering "yes" or "no" to the conviction and/or discipline questions.

- **New Transaction for Pocket License Requests (2/2023)**

Breeze Updates 01/2022 - 08/2023

Created a new transaction in BreEZe to request pocket license requests only.

- **Add Retired to Active transaction to Breeze (5/2023)**

  Allows licensees to submit a request online to restore a retired license to active status.

- **Update enforcement Request for Court Docs correspondence (5/2023)**

  Minor text updates to make the request form more concise.

- **Online transactions for military spouse temporary license - AB107 (7/2023)**

  DCA-wide: Effective July 1, 2023: Active-duty military legal partner holding an active out of state license may apply for a temporary license issued for no more than 12 months.

- **Change the Return Address on Renewal Form (8/2023)**

  The return address for renewal forms has been changed from DCA HQ to CBOT's address. All renewals sent via postal mail will be processed by Board staff for efficiency.

CONSIDERATION OF POSSIBLE REGULATORY AMENDMENTS TO SECTIONS 4110, 4111, 4112, AND 4114.

Title 16, Division 39, California Code of Regulations.

California Board of Occupational Therapy

PROPOSED REGULATORY LANGUAGE

Applications

Legend:	Added text is indicated with an underline. Omitted text is indicated by (* * * *) Deleted text is indicated by ~~strikeout~~.

Amend section 4110 to read as follows:

§ 4110. Applications

(a) An application for a license or limited permit shall be submitted on the form entitled Initial Application for Licensure, Form ILA, (Rev. ~~9/2020~~1/2024, hereby incorporated by reference, or by providing the same information via on-line submission, ~~if available, and~~ shall contain the information required by sections 30, 144, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16 of the Code and Family Code section 17520, accompanied by the appropriate fees.
(b) An application for a license or limited permit shall be deemed 'received' by the board upon receipt of the application and payment of the application fee, whichever occurs last.
~~(b)~~(c) For an applicant applying for licensure pursuant to section 2570.15 of the Code, "substantially equal" means that the applicant has successfully completed the academic requirements of an educational program, including the educational program and supervised fieldwork requirements, for an occupational therapist or an occupational therapy assistant that are approved by the board and approved by the foreign credentialing review process of the National Board for Certification in Occupational Therapy (NBCOT), the American Occupational Therapy Certification Board, or the American Occupational Therapy Association.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 30, 114.5, 144, 850, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, 2570.15 and 2570.16, Business and Professions Code; and Section 17520, Family Code.

Amend section 4111 to read as follows:

§ 4111. Place of Filing

Applications shall be filed with the board's principal office or submitted on-line in BreEZe system.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Section 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16, Business and Professions Code.

Amend section 4112 to read as follows:

§ 4112. Review of Application

Within thirty (30) days after receipt of an application for a license, ~~certificate,~~ or limited permit, the board shall inform the applicant, in writing, whether the application is complete and ~~accepted for filing~~ approved or that it is deficient and what specific information or documentation is required to complete the application.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 115.5, 144, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16, Business and Professions Code and Section 15376, Government Code.

Amend section 4114 to read as follows:

§ 4114. Abandonment of Application

(a) An application for a license shall be deemed abandoned when:
(1) The applicant fails to complete the application within ~~two~~ one year~~s~~ after it is originally received by the board~~.~~ or
(2) The applicant fails to submit the Initial L~~l~~icense fee within ~~sixty (60)~~ 90 days after the date of notification of ~~eligibility~~ approval by the board.
(b) An application for a limited permit shall be deemed abandoned ~~if~~ when:
(1) T~~t~~he applicant fails to complete the application ~~or submit the required fee~~ within sixty (60) days after it is originally received by the board~~.~~ or
(2) The applicant fails to submit the Limited Permit fee within thirty (30) days after the date of notification of approval by the board.
(c) An application submitted subsequent to the abandonment of a previous application shall be treated as a new application.
(d) Any application fee will be forfeited if the application is deemed abandoned.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16, Business and Professions Code.

The Initial License Application, incorporated by reference in the text above, is available from the Board upon request.

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
1610 Arden Way, Suite 121, Sacramento, CA 95815
P (916) 263-2294 | cbot@dca.ca.gov | www.bot.ca.gov

INITIAL APPLICATION FOR LICENSURE

(Read the Instructions before completing the application. Please print or type all information.)

Check one:
□ Occupational Therapist (OT)
□ Occupational Therapy Assistant (OTA)
Are you applying for Limited Permit?
□ Yes or □ No

Board Use Only

Section I: Personal Data

A. Last Name	B. First Name	C. Middle Name
D. Other Names Used	E. Have you ever submitted an application to this Board under another name? □ Yes □ No If yes, what name? _____	

F. Residence Address: Street No., Apt. No. (Mandatory - P.O. Box not accepted)	City	State	Zip Code
G. Address of Record: Street No., Apt. No., P.O. Box	City	State	Zip Code

H. Home Telephone #	I. Business Telephone #	J. Social Security Number or Individual Tax Identification Number (Mandatory)
( )	( )	_____ - _____ - _____

K. Email address (Optional)	L. Date of Birth (mm/dd/yyyy)	M. Driver's License No and State	N. Gender
			□ Male □ Female

O. Are you currently serving in the U.S. Military?	P. Have you *ever* served in the U.S. Military?
□ Yes □ No If yes, branch: _____	□ Yes □ No If yes, branch: _____

Section II: Current/Previous License, Registration and Certification

(You ***must*** submit a "Letter of Good Standing" from each jurisdiction in which you hold a license.)

A. Are you now or have you ever been licensed/registered/certified as an occupational therapist, occupational therapy assistant or held any other health-related license or certificate in any state (including California), province, or country? □ Yes □ No

B. If yes, list below. Indicate the name used on the license if different than the name(s) in Section I.

State or Country	License, Certificate or Registration Type	Number	Expiration Date

Section III: Education

(You ***must*** submit an ***official*** transcript, with the degree posted, from the qualifying degree program.)

College/University Name, City, State	Graduation Date	Degree Awarded
College/University Name, City, State	Graduation Date	Degree Awarded

Section IV: Examination (You ***must*** submit a "Verification of Certification" from NBCOT.)

A. Are you now or have you ever been certified by the National Board for Certification in Occupational Therapy?
   o Yes: Date of certification: Certificate Number:
   o No.

B. Were you certified by the former American Occupational Therapy Certification Board?
   o Yes: Date of certification: Certificate Number:
   o No.

C. If you are applying for a limited permit, on what date are you scheduled to take the NBCOT examination? Please attach the NBCOT eligibility verification or authorization to test letter if you have received it.

D. If you are applying for a limited permit, have you previously taken the NBCOT examination and failed?
   o Yes. o No.

Section V: Professional Experience and/or Fieldwork

(Please list most recent experience first. Add additional sheets if necessary.)

Facility Name: Address (Street, City, State or Country): Telephone Number: Name of Supervisor:	Position: From: To:
Facility Name: Address (Street, City, State or Country): Telephone Number: Name of Supervisor:	Position: From: To:
Facility Name: Address (Street, City, State or Country): Telephone Number: Name of Supervisor:	Position: From: To:

Section VI: Disciplinary Actions and Criminal History Data

A. Has *any* health-related professional licensing or disciplinary body in any state, territory or foreign jurisdiction denied, limited, placed on probation, restricted, suspended, cancelled or revoked any professional license, certificate, or registration granted to you, or imposed a fine, reprimand, or taken any other disciplinary action against you? □ Yes □ No

If yes, you must provide a certified copy of the Disciplinary Order or other document imposing such sanction.

B. Have you ever voluntarily surrendered a license, certificate or registration granted to you in lieu of disciplinary action? □ Yes □ No

C. Is any action described in A and/or B of this section pending against you? □ Yes □ No

If you answered yes to either A, B, or C, please give a detailed explanation of the circumstances on a separate attachment.

D. Do you have any condition that in any way impairs or limits your ability to practice occupational therapy with reasonable skill and safety, including, but not limited to, the conditions listed below? □ Yes □ No

If yes, check all appropriate boxes below:

- □ A condition that required admission to an inpatient psychiatric treatment facility.
- □ Alcohol or chemical substance dependency or addiction.
- □ Emotional, mental or behavioral disorder.
- □ Other (explain):

For any of the boxes checked, please submit complete official inpatient and outpatient treatment records, evidence of ongoing rehabilitation treatment, and a personal written explanation of the circumstances.

E. You are not required to disclose information pertaining to your criminal history. If you choose, you may voluntarily provide information pertaining to any mitigating circumstances and/or any evidence of rehabilitation that relates to your criminal history (including but not limited to information relating to expungement or dismissal of convictions); if you choose not to provide any such information, such choice will not be a factor in the Board's decision of whether to grant or deny your application for licensure.

Section VII: Fingerprint and Photograph Requirements

A. You must submit either the completed Live Scan Form BCII 8016 **OR** two of the Board's pre-printed hard-copy fingerprint cards. Please see the application instructions for additional information.	*B.* Provide a 2" x 2" *passport quality* photograph of yourself taken within the last three months. Attach Photograph Here (face must be completely visible)

NOTICE OF COLLECTION OF PERSONAL INFORMATION

The information requested herein is mandatory, unless otherwise indicated, and is maintained by the California Board of Occupational Therapy (Board), 1610 Arden Way, Suite 121, Sacramento, CA 95815, Executive Officer, (916) 263-2294, in accordance with Business & Professions Code section 2750 et seq. Disclosure of your individual taxpayer identification number or social security number is mandatory and collection is authorized by Section 30 of the Business & Professions Code. Failure to provide all or any part of the requested mandatory information will render your application incomplete and subject to the abandonment provisions set forth in CCR, Title 16, Division 39, Section 4114. Except for the individual taxpayer identification number or social security number, the information requested will be used to identify and evaluate applicants for licensure, issue and renew licenses, and enforce licensing standards set by statutes and regulations. Your individual taxpayer identification number or social security number will be used exclusively for tax enforcement purposes, compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or verification of licensure from a requesting state. It will not be deemed to be a public record and will not be disclosed to the public. If you fail to disclose your individual taxpayer identification number or social security number you will be reported to the Franchise Tax Board (FTB), which may assess a $100 penalty against you. Upon request, the Board will provide the FTB with your name, address(es) of record, individual taxpayer identification number or social security number, type of license and status, and effective date and expiration date of your license. You have the right to review your personal information maintained by the agency unless the records are exempt from disclosure. Please note that certain information you provide may be disclosed under some circumstances, such as: in response to a Public Records Act (PRA) request (beginning with Government Code section 6250), to another government agency as required by state or federal law, or in response to a court or administrative order, subpoena, or search warrant.

Section VIII: Affidavit

I hereby declare that I am the person named in this application, that I have read the complete application and know the contents thereof. I understand that falsification or misrepresentation of any item or response on this application or any attachment hereto, is sufficient grounds for denial, suspension or revocation of a license to practice as an occupational therapist or occupational therapy assistant in the State of California.

I understand that I am required to notify the Board of Occupational Therapy, in writing, of any change in my name, mailing address and residence address within 30 days of such change.

I declare, under penalty of perjury of the laws of the State of California, that all of the information contained herein, and any documentation submitted in support of my application is true and correct.

Signature of Applicant _____ Date _____

Did you include the $50 application fee? □ Yes □ No

Did you include the $49 fingerprint fee with the fingerprint cards? □ Yes □ No
(Fingerprint cards/fee not needed if submitting completed Live Scan form)

Do you want the approval/deficiency letter sent to the email address provided on page one?
□ Yes □ No

AGENDA ITEM 9

CONSIDERATION OF POSSIBLE REGULATORY AMENDMENTS TO SECTIONS 4102, 4151, 4152, 4153, 4154, 4161 AND 4162.

Title 16, Division 39, California Code of Regulations.
California Board of Occupational Therapy

PROPOSED REGULATORY LANGUAGE
Address and Name Changes Advanced Practice, Continuing Competency

Legend:	Added text is indicated with an underline. Omitted text is indicated by (* * * *) Deleted text is indicated by ~~strikeout~~.

Amend section 4102 to read as follows:

§ 4102. Filing of Addresses and Changes in Name

~~(a) Each person licensed or issued a limited permit by the board, shall report to the board every change of residence address within 30 days after the change, giving both the old and new addresses. In addition to the residence address, the person may provide the board with an alternate address of record. If an alternate address is the person's address of record, he or she may request, in writing, that the residence address not be disclosed to the public.~~
~~(b) Each person licensed or issued a limited permit by the board shall report to the board every change of name within 30 days after the change, giving both the old and new names.~~
~~(c) This section refers to every person who holds an active, inactive, unexpired, suspended license or limited permit.~~
(a) Address of Record. Every applicant and licensee shall provide an address to the California Board of Occupational Therapy that will be designated as their address of record, which will be utilized for all official and formal communications from the Board, and which will be disclosed to the public. An applicant or a licensee need not provide a residence address as the address of record, but may use an alternative address, such as a business address or a P.O. Box, as their address of record. Every applicant and licensee shall report any change of the address of record to the Board no later than 30 calendar days after the address change has occurred. The report of change of address of record shall be in writing and contain the old address, the new address, and the effective date of the change of address.
(b) Residence Address. Every applicant and licensee shall provide a residence address to the Board. Only if the applicant or licensee also provides an alternative address of record as described in subdivision (a) above shall the Board maintain the residence address as confidential. Every applicant and licensee shall report any change of their residential address to the Board no later than 30 calendar days after the address change has occurred. The report of change of residential address shall be in writing and contain the old address, the new address, and the effective date of the change of address.
(c) Name Change. Every applicant and licensee shall report to the Board in writing each and every change of name no later than 30 calendar days after each change has occurred, giving both the old and new names.

(d) Email Address. Every applicant and licensee shall file a current email address with the Board and shall notify the Board in writing of any and all changes of the email address no later than 30 calendar days after the change has occurred, giving both the old email address and the new email address. Email addresses are confidential information and shall not be made available to the public. This subdivision does not require an applicant or licensee to obtain an email address, it only requires that person report an existing email address to the Board.
(e) Licensee. For purposes of this section, 'licensee' includes any holder of an active, inactive, delinquent, suspended or expired license, certification or other authorization issued by the Board to practice occupational therapy which is not canceled or revoked.
(f) This section shall not apply to any person whose license has been revoked, surrendered, or cancelled.

Note: Authority cited: Section 2570.20, BPC. Reference: Sections 136, 2570 ~~(original)~~, 2570.3, 2570.5, 2570.8, 2570.9, 2570.10, and 2570.11, BPC.

Amend section 4151 to read as follows:

§ 4151. Hand Therapy

(a) Hand therapy services may be ~~performed~~ provided only when approved by the Board or when acquiring education and training hours to support an application ~~an occupational therapist has demonstrated to the Board in an application~~ filed pursuant to section 4155(a)(1) or when performed as a part of an accredited occupational therapy education program. ~~that he or she has met the~~ .The education and training hours must meet the following requirements ~~established by this section as follows~~:
(1) Education: Completion of 45 contact hours in the subjects listed in Code section 2570.3(e), including 30 hours specifically relating to the hand, wrist, and forearm.
(2) Training: Completion of 480 hours of supervised on-the-job training, clinical internship or affiliation, which may be paid or voluntary, pertaining to hand therapy.
(b) An occupational therapist whose application pursuant to section 4155 provides proof of current certification as a Certified Hand Therapist, issued by the Hand Therapy Certification Commission, shall be deemed to have met the education and training requirements established by this section.
(c) An occupational therapist whose application pursuant to section 4155 provides proof of current licensure as a physical therapist shall be deemed to have met the education and training requirements established by this section.
~~(c)~~(d) An occupational therapist providing hand therapy services using physical agent modalities must also comply with the requirements of section 4152. A maximum of 8 contact hours and 60 hours of supervised on-the-job training, clinical internship or affiliation, paid or voluntary, completed under section 4152 will be credited toward the requirements of this section.
~~(d)~~(e) An occupational therapist may provide only those hand therapy services he or she is competent to perform.

Note: Authority cited: Sections 2570.3 and 2570.20, BPC. Reference: Sections 2570.2 and 2570.3, BPC.

Amend section 4152 to read as follows:

§ 4152. Physical Agent Modalities

(a) Physical agent modalities may be used only when approved by the Board or when acquiring education and training hours to support an application ~~an occupational therapist has demonstrated to the Board in an application~~ filed pursuant to section 4155(a)(2) or when performed as a part of an accredited occupational therapy education program. ~~that he or she has met the~~ .The education and training hours must meet the following requirements ~~established by this section as follows~~:
(1) Education: Completion of 30 contact hours in the subjects listed in Code section 2570.3(f).
(2) Training: Completion of 240 hours of supervised on-the-job training, clinical internship or affiliation, which may be paid or voluntary, pertaining to physical agent modalities.
(b) An occupational therapist whose application pursuant to section 4155 provides proof of current certification as a Certified Hand Therapist, issued by the Hand Therapy Certification Commission, shall be deemed to have met the education and training requirements established by this section.
(c) An occupational therapist whose application pursuant to section 4155 provides proof of current licensure as a physical therapist shall be deemed to have met the education and training requirements established by this section.
~~(c)~~(d) An occupational therapist may use only those physical agent modalities he or she is competent to use.

Note: Authority Cited: Sections 2570.3 and 2570.20, BPC. Reference: Sections 2570.2 and 2570.3, BPC.

Amend section 4153 to read as follows:

§ 4153. Swallowing Assessment, Evaluation, or Intervention

(a) The role of an occupational therapist in instrumental evaluations is to observe structure and function of the swallowing mechanism in order to assess swallowing capability and determine swallowing interventions. The occupational therapist may not perform the physically invasive components of the instrumental evaluation.
(b) Swallowing assessment, evaluation or intervention may be performed only when approved by the Board or when acquiring education and training hours to support an application filed pursuant to section 4155(a)(3) or when performed as a part of an accredited occupational therapy education program. ~~that he or she has met the~~ .The education and training hours must meet the following requirements ~~established by this section as follows~~:
(1) Education: Completion of 45 contact hours in the following subjects:
(A) Anatomy, physiology and neurophysiology of the head and neck with focus on the structure and function of the aerodigestive tract;
(B) The effect of pathology on the structures and functions of the aerodigestive tract including medical interventions and nutritional intake methods used with patients with swallowing problems;
(C) Interventions used to improve pharyngeal swallowing function.
(2) Training: Completion of 240 hours of supervised on-the-job training, clinical internship

or affiliation, which may be paid or voluntary, pertaining to swallowing assessment, evaluation or intervention. An occupational therapist in the process of completing the training requirements of this section may practice swallowing assessment, evaluation or intervention under the supervision of an occupational therapist who has been approved under this article, a speech language pathologist with expertise in this area, or a physician and surgeon.
(c) An occupational therapist may provide only those swallowing assessment, evaluation, or intervention services he or she is competent to perform.

Note: Authority cited: Sections 2570.3 and 2570.20, BPC. Reference: Sections 2570.2 and 2570.3, BPC.

Amend section 4154 to read as follows:

§ 4154. Criteria Relating to Education and Training

(a) Education courses used to satisfy the requirements of section 4151(a)(1), 4152(a)(1), or 4153(a)(1) may~~shall~~ be obtained at any of the following:
(1) College or university degree programs accredited or approved by ACOTE;
(2) College or university degree programs accredited or approved by the Commission on Accreditation in Physical Therapy Education;
(3) Colleges or universities with Speech and Hearing Programs accredited or approved by the Council on Academic Accreditation in Audiology and Speech-Language Pathology;
(4) Any approved provider. To be approved by the Board the provider shall submit the Application to provide Advanced Practice Education (Form APE New 01/2024, hereby incorporated by reference, with the following:
(A) A clear statement as to the relevance of the course to the advanced practice area.
(B) Information describing, in detail, the depth and breadth of the content covered (e.g., a course syllabus and the goals and objectives of the course) particularly as it relates to the advanced practice area.
(C) Information that shows the course instructor's qualifications to teach the content being taught (e.g., his or her education, training, experience, scope of practice, licenses held, and length of experience and expertise in the relevant subject matter), particularly as it relates to the advanced practice area.
(D) Information that shows the course provider's qualifications to offer the type of course being offered (e.g., the provider's background, history, experience, and similar courses previously offered by the provider), particularly as it relates to the advanced practice area; or
(5) A provider that has not been approved by the Board, if the applicant occupational therapist demonstrates that the course content meets the subject matter requirements set forth in sections 2570.3(e) or 2570.3(f) of the Code, or section 4153 of these regulations, and submits the following:
(A) Information describing, in detail, the depth and breadth of the content covered (e.g., a course syllabus and the goals and objectives of the course) particularly as it relates to the advanced practice area.
(B) Information that shows the course instructor's qualifications to teach the content being taught (e.g., his or her education, training, experience, scope of practice, licenses held, and length of experience and expertise on the relevant subject matter), particularly as it relates to the advanced practice area.

(b) Training used to satisfy the requirements of section 4151(a)(2), 4152(a)(2), or 4153(a)(2) shall be supervised which means, at a minimum:
(1) The supervisor and occupational therapist have a written agreement, signed and dated by both parties prior to accruing the supervised experience, outlining the plan of supervision and training in the advanced practice area. The level of supervision is determined by the supervisor whose responsibility it is to ensure that the amount, degree, and pattern of supervision is consistent with the knowledge, skill and ability of the occupational therapist, and appropriate for the complexity of client needs and number of clients for whom the occupational therapist is providing advanced practice services.
(2) The supervisor is readily available in person or by telecommunication to the occupational therapist while the therapist is providing advanced practice services.
(3) The supervisor does not have a co-habitative, familial, intimate, business, excluding employment relationships, or other relationship that could interfere with professional judgment and objectivity necessary for effective supervision, or that violates the Ethical Standards of Practice, pursuant to section 4170.
(c) Any course instructor providing education under section 4154(a)(4) or (5) who is a health care practitioner as defined in section 680 of the Code shall possess an active, current, and unrestricted license.
(d) Education and training hours in support of an application under section 4155(a) must be completed within the five years immediately preceding the application for approval in each advanced practice area.

Note: Authority cited: Sections 2570.3 and 2570.20, BPC. Reference: Sections 2570.2 and 2570.3, BPC.

Amend section 4161 to read as follows:

§ 4161. Continuing Competency

(a) Each licensee renewing a license under Section 2570.10 of the Code shall submit evidence of meeting continuing competency requirements by having completed 24 professional development units (PDUs) during the preceding renewal period, or in the case of a license delinquently renewed, within the two years immediately preceding the renewal, acquired through participation in professional development activities.
(1) One hour of participation in a professional development activity qualifies for one PDU;
(2) One academic credit equals 10 PDUs;
(3) One Continuing Education Unit (CEU) equals 10 PDUs.
(b) For a license renewed on or after January 1, 2025, of the 24 PDUs required for each renewal period, licensees must complete:
(1) A minimum of two (2) units must be related to ethics in healthcare, and
(2) One course shall pertain to culturally relevant practice, socio-cultural factors, working with diverse populations and/or bias.
~~(b)~~ (c) Topics and subject matter shall be pertinent to the practice of occupational therapy and course material must have a relevance or direct application to a consumer of occupational therapy services. Except as provided in subdivision (c), professional development activities acceptable to the board include programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association of California; coursework completed through any approved or accredited educational institution, or otherwise meets all of the following criteria:

(1) The program or activity contributes directly to professional knowledge, skill, and ability; and
(2) The program or activity must be objectively measurable in terms of the hours involved.
~~(c)~~ (d) PDUs may also be obtained through any or a combination of the following:
(1) Involvement in structured special interest or study groups with a minimum of three participants. Three hours of participation equals one PDU, with a maximum of six PDUs credited per renewal period.
(2) Structured mentoring with an individual skilled in a particular area. For each 20 hours of being mentored, the practitioner will earn three PDUs, with a maximum of six PDUs credited per renewal period.
(3) Structured mentoring of a colleague to improve his/her skills. Twenty hours of mentoring equals three PDUs, with a maximum of six PDUs credited per renewal period.
(4) Supervising the fieldwork of Level I, ~~and~~ Level II, or Doctoral Capstone occupational therapist and occupational therapy assistant students shall be credited as follows:
(A) Supervising the fieldwork of a Level I student. For each student supervised the practitioner will receive one PDU.
(B) Supervising the fieldwork of a Level II student. For each 40 hours of supervision the practitioner will receive one PDU.
(C) Supervising a Doctoral Capstone student. For each 40 hours of supervision the practitioner will receive one PDU.
(D~~C~~) A maximum of 12 PDUs of credit for supervising Level II, ~~and/or~~ Level I, or Doctoral Capstone students shall be allowed per renewal period.
(E~~D~~) The supervision shall not be the primary responsibility of the licensee's employment.
(F~~E~~) Credit for PDUs shall only be earned for the dates of supervision occurring during the renewal period.
(G~~F~~) Fieldwork supervision hours of a single student may be divided between licensees. Total weekly hours claimed by more than one licensee sharing supervision of a single student shall not exceed 40 hours per week.
(5) Publication of an article in a non-peer reviewed publication. Each article equals five PDUs, with a maximum of 10 PDUs credited per renewal period.
(6) Publication of an article in a peer-reviewed professional publication. Each article equals10 PDUs, with a maximum of 10 PDUs credited per renewal period.
(7) Publication of chapter(s) in occupational therapy or related professional textbook. Each chapter equals 10 PDUs, with a maximum of 10 PDUs credited per renewal period.
(8) Making professional presentations at workshops, seminars and conferences. For each hour presenting, the practitioner will earn two PDUs, with a maximum of six PDUs credited per renewal period.
(9) Attending a meeting of the California Board of Occupational Therapy. Each meeting attended equals two PDUs, with a maximum of six PDUs credited per renewal period.
(10) Attending board outreach activities. Each presentation attended equals two PDUs, with a maximum of four PDUs credited per renewal period.
~~(d)~~ (e) Partial credit will not be given for the professional development activities listed in subsection (c) and a maximum of 12 PDUs may be credited for the activities listed in subsection (c).
~~(e)~~ (f) This section shall not apply to the first license renewal following issuance of the initial license occurring within one year of issuance of the initial license.
(g) A licensee applying for the first license renewal occurring more than one year after the initial license was issued shall complete 12 PDUs.

~~(f)~~(h) Of the total number of PDUs required for each renewal period, a minimum of one half of the units must be directly related to the delivery of occupational therapy services, which may include: models, theories, or frameworks that relate to client/patient care in preventing or minimizing impairment, enabling function within the person/environment or community context. Other activities may include, but are not limited to, occupation-based theory assessment/interview techniques, intervention strategies, and community/environment as related to one's practice.
~~(g)~~(i) Applicants who have not been actively engaged in the practice of occupational therapy within the past five years completing continuing competency pursuant to section 2570.14(a) of the Code to qualify for licensure shall submit evidence of meeting the continuing competency requirements by having completed, during the two-year period immediately preceding the date the application was received, 40 PDUs that meet the requirements of subsection (b). The 40 PDUs shall include:
(1) 37 PDUs directly related to the delivery of occupational therapy services, which may include the scope of practice for occupational therapy practitioners or the occupational therapy practice framework;
(2) Three PDUs related to ethical standards of practice in occupational therapy.

Note: Authority cited: Sections 2570.10 and 2570.20, BPC. Reference: Section 2570.10, BPC.

Amend section 4162 to read as follows:

§ 4162. Completion and Reporting Requirements

(a) The occupational therapy practitioner shall record the following information for each activity on the renewal form:
(1) the date each course or activity was completed;
(2) the provider~~, course number,~~ and course title~~, if applicable~~;
(3) a description of the course; and
(4) the ~~total~~ number of PDUs completed.
(b) Records showing participation in each professional development activity must be maintained by the occupational therapy practitioner for four years following the renewal period.
(c) A maximum of six PDUs in excess of the required 24 PDUs may be carried over to the next renewal period.
(d) Any occupational therapy practitioner who ~~is unable~~ fails to provide records documenting completion of the continuing competency requirements within 30 days of the Board's written request shall be issued a ~~is subject to~~ citation and/or administrative fine or shall be subject to disciplinary action.
(e) Any occupational therapy practitioner who fails to demonstrate completion of the PDUs required for license renewal shall be ordered to complete the number of hours needed to meet the renewal requirement.
(f) Any professional development units completed to satisfy a license renewal requirement, as ordered in subsection (e), cannot be used for a subsequent renewal.
(g) Any occupational therapy practitioner who is involved in a structured special interest or study group, shall document these activities throughout the study period, using the Study Group Report form (Form SGR New 01/2024), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information

contained therein.
(h) Any occupational therapy practitioner who does structured mentoring with an individual skilled in a particular area or does structured mentoring of a colleague to improve his/her skills, shall document these activities throughout the mentoring period, using the Mentoring Report form (Form MNT New 01/2024), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.
~~(e)~~(i) Any occupational therapy practitioner who supervises a Level I and/or Level II student shall document said supervision, immediately upon conclusion of the supervision period, using the Fieldwork Education PDU Attestation form (Form FEA New 6/2016), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

Note: Authority cited: Sections 2570.10 and 2570.20, BPC. Reference: Section 2570.10, BPC.

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
1610 Arden Way, Suite 121, Sacramento, CA 95815
P (916) 263-2294 | cbot@dca.ca.gov | www.bot.ca.gov

APPLICATION TO PROVIDE ADVANCED PRACTICE EDUCATION

Instructions: Submit a complete application for each course. Applications that are not completed thoroughly will be returned. Include a copy of the proposed flyer or brochure and a sample certificate to the California Board of Occupational Therapy. Please refer to Title 16, California Code of Regulations Section 4154 in completing this application. Processing time is 6 – 8 weeks.

Indicate the advanced practice area for which you will be offering:

☐ Hand Therapy

☐ Physical Agent Modalities

☐ Swallowing Assessment, Evaluation and Intervention

SECTION I. PERSONAL INFORMATION (Please Type or Print)

1. Provider Name:

2. Mailing Address (Street, City, State, Zip Code):

3. Organization Type (select one):
☐ Association ☐ Government Agency
☐ Partnership ☐ Licensed Health Facility
☐ Corporation ☐ University, College or School
☐ Individual (SSN required)
☐ FEIN/SSN Number_____ (optional)

4. California Department of Consumer Affairs Licenses/Certificates/Registrations (list only those held by the provider):

Type _____ Number _____Expiration Date _____

Type _____ Number _____Expiration Date _____

5. Contact Person:

6. Telephone Number/Fax Number:

7. Email Address:

SECTION II. COURSE INFORMATION

Use additional sheets if necessary. This section must be completed in its entirety.

1. Course Title:

2. Date(s) offered/location:

3. Statement as to the relevance of the course to the area of advanced practice:

4. Indicate the number of **minutes** that each of the below listed subject matter requirements are covered in the course:

HAND THERAPY:

_____ Anatomy of the upper extremity and how it is altered by pathology.

_____ Histology as it relates to tissue healing and the effects of immobilization and mobilization on connective tissue.

_____ Muscle, sensory, vascular, and connective tissue physiology.

_____ Kinesiology of the upper extremity, such as biomechanical principles of pulleys, intrinsic and extrinsicmuscle function, internal forces of muscles, and the effects of external forces.

_____ The effects of temperature and electrical currents on nerve and connective tissue.

_____ Surgical procedures of the upper extremity and their postoperative course.

PHYSICAL AGENT MODALITIES:

_____ Anatomy and physiology of muscle, sensory, vascular, and connective tissue in response to the application of physical agent modalities.

_____ Principles of chemistry and physics related to the selected modality.

_____ Physiological, neurophysiological, and electrophysiological changes that occur as a result of the application of a modality.

_____ Guidelines for the preparation of the patient, including education about the process and possible outcomes of treatment.

_____ Safety rules and precautions related to the selected modality.

_____ Methods for documenting immediate and long-term effects of treatment.

_____ Characteristics of the equipment, including safe operation, adjustment, indications of malfunction, and care.

SWALLOWING ASSESSMENT, EVALUATION & INTERVENTION:

_____ Anatomy, physiology and neurophysiology of the head and neck with focus on the structure and function of the aerodigestive tract.

_____ The effect of pathology on the structures and functions of the aerodigestive tract including medical interventions and nutritional intake methods used with patients with swallowing problems.

_____ Interventions used to improve pharyngeal swallowing function.

5. Description of the content. Include course syllabus, goals and objectives.

6. Type of offering (e.g. seminar, conference, in-service, web-based, etc.):

7. Number of contact hours requested:

8a. Describe the provider's background, history, and experience:
(You may submit a prospectus/resume in lieu of completing this section):

b. List of similar courses previously offered by provider:

SECTION III. INSTRUCTOR INFORMATION Use additional sheets if necessary. You may submit a prospectus, resume or curriculum vitae in lieu of completing this section. However, it must contain all of the information requested below.

1. Name:
2a. Type of License/Certificate/Registration:
2b. License/Certificate/Registration Number:
2c. Date Issued and Date Expires:
3. Education:

College/University	Major	Degree	Area of Preparation	Year Degree Granted

4. Experience: (Start with most recent experience)

Agency	Position	Scope of Practice	From – To (Month/Year)

5. Teaching experience:

Title of Course	Description	Location	Month/Year

NOTE: If the course has more than one instructor, a separate form is needed for each instructor.

SECTION IV. AFFIDAVIT.

I hereby declare under penalty of perjury under the laws of the State of California that all of the information contained herein, and evidence or other credentials submitted herewith are true and correct. I understand that falsification or misrepresentation of any item or response on this application or any attachment hereto, is sufficient grounds for denial, suspension or revocation of a license to practice as an occupational therapist in the State of California.

_____ _____

Provider Signature Date

Information Collection and Access – The Board's Executive Officer is the person responsible for information maintenance. Business and Professions Code section 2570.18 gives the Board authority to maintain information. All information is mandatory. Failure to provide any mandatory information will result in the application being rejected as incomplete. The information provided will be used to determine qualification to provide advanced practice education. Each provider has the right to review its file maintained by the agency, subject to the provisions of the California Public Records Act.

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
1610 Arden Way, Suite 121, Sacramento, CA 95815
P (916) 263-2294 | cbot@dca.ca.gov | www.bot.ca.gov

STRUCTURED SPECIAL INTEREST OR STUDY GROUP REPORTING FORM

GROUP PARTICIPANTS (MINIMUM 3, MAXIMUM 20)

Licensees are responsible for maintaining this document for their own records. Submit to the Board **ONLY** if you were selected for an audit.

NAMES OF PARTICIPANTS: (Attach extra sheet or addendum if necessary)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

Subject/Topic: _____

STUDY GROUP GOALS DEVELOPED AS A GROUP AT FIRST MEETING
(Goals should be written to describe what participants will demonstrate an understanding of.)

1. _____

_____

2. _____

_____

3. _____

_____

4. _____

_____

5. _____

_____

6. _____

_____

(Attach additional sheets if necessary)

ATTENDANCE RECORD

(Use sign-in sheet to document each meeting date and amount of time spent)

DATE: _____

START TIME: _____

END TIME: _____

NAME	LICENSE #	SIGNATURE

(Duplicate for each meeting)

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
1610 Arden Way, Suite 121, Sacramento, CA 95815
P (916) 263-2294 | cbot@dca.ca.gov | www.bot.ca.gov

MENTORING REPORT FORM

(Original to be maintained by Mentor; copy to be maintained by Mentee. Submit to the Board ONLY if you were selected for an audit.)

NAME OF MENTEE/LICENSE #: _____

NAME OF MENTOR/LICENSE #: _____

MENTORING PERIOD: _____ **to** _____
(Start Date) **(End Date)**

MENTORING OBJECTIVES (To be developed in conjunction with Mentee, written in a format that is outcome based)

1. _____

2. _____

3. _____

4. _____

5. _____

PLAN OF INSTRUCTION (in addition to hands on, readings, reports, presentations for Mentee)

1. _____

2. _____

3. _____

4. _____

5. _____

(Attach additional sheets if necessary)

DATES AND TIMES LOG

DATE	BEGIN TIME	END TIME	ACTIVITY

(Attach additional sheets if necessary)

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
CBOT

CONSIDERATION OF POSSIBLE REGULATORY AMENDMENTS TO SECTIONS 4101, 4141, 4146, 4146.5, 4147, 4147.5, AND 4149.1; AND ADDING NEW SECTIONS 4146.1, 4146.7, 4146.8, 4147.7, 4149.6, AND 4149.7.

Attached are the following:

- Proposed regulatory language
- Disciplinary Guidelines
- Authorization to Release Information form (no change)
- Quarterly Written Report form
- Work Performance Evaluation form
- Uniform Standards Regarding Substance-Abusing Healing Arts Licensees
- Probationer Petition form
- Petition for Reinstatement of License

TITLE 16, DIVISION 39, CALIFORNIA CODE OF REGULATIONS.
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED REGULATORY LANGUAGE

Proposal to amend Sections : 4101, 4141, 4146, 4146.5, 4147, 4147.7, 4148, 4149, and 4149.1 and add new Sections 4146.1, 4146.7, 4146.8, 4147.7, 4149.6, and 4149.7

Legend:	Added text is indicated with an underline. Omitted text is indicated by (* * * *) Deleted text is indicated by ~~strikeout~~.

Amend section 4101 to read as follows:

§ 4101. Delegation of Certain Functions

Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act (section 11500 et seq. of the Government Code), the power and discretion conferred by law upon the Board to order an examination pursuant to section 820 of the Code; receive and file accusations and statements of issues; issue notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings, including the authority to ~~grant a motion to~~ vacate a default decision upon motion or petition, approve a settlement agreement for revocation or surrender of a license, or approve an interim license suspension; make changes to its regulations without regulatory effect pursuant to Title 1, California Code of Regulations Section 100; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive officer of the Board or, in ~~his or her~~ the executive officer's absence from the office of the ~~b~~Board, the acting executive officer.

Note: Authority cited: BPC Section 2570.20. Reference: BPC Sections 480, 820, 2570.1, 2570.6, 2570.17, 2570.19, 2570.20 and 2570.23; and Sections 11415.60 and 11500 et seq., Government Code.

Amend section 4141of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4141. Assessment of Administrative Fines

(a) Where citations include an assessment of an administrative fine, the fine shall be not less than $50 or exceed $5,000 for each violation. Each violation shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:
(1) Class "A" violations shall not be less than $1,001 nor more than $5,000. Class "A"

violations are violations that the executive officer, or ~~his or her~~ the executive officer's designee, has determined involve a person who, while engaged in the practice of occupational therapy, has violated a statute or regulation relating to the Occupational Therapy Practice Act. Class "A" violations are more serious in nature and may include, but are not limited to, violations which resulted in or had significant potential for patient harm and where there is no evidence that revocation or other disciplinary action is required to ensure public safety. Such violations may include, but are not limited to, failing to provide direct in-sight supervision of an aide when the aide performed a client related task that resulted in harm to the patient, or failing to provide adequate supervision to an occupational therapy assistant that resulted in harm to the patient, or fraudulent medical billing, or practicing without a current and active license for more than one year, or functioning autonomously as an occupational therapy assistant. A Class "A" violation may be issued to a person who has committed a class "B" violation and who has had two or more prior, separate, class "B' violations.

(2) Class "B" violations shall not be less than $501 nor more than $2,500. Class "B" violations are violations that the executive officer, or ~~his or her~~ the executive officer's designee, has determined involve a person who, while engaged in the practice of occupational therapy, has violated a statute or regulation relating to the Occupational Therapy Practice Act. Class "B" violations are less serious in nature and may include, but are not limited to, violations which could have resulted in patient harm. Typically, some degree of mitigation will exist. Such violations may include, but are not limited to, failing to provide direct in-sight supervision of an aide when the aide performed a client related task that did not result in harm to a patient, or failure to provide adequate supervision to an occupational therapy assistant, limited permit holder, student, or occupational therapy aide, resulting in no patient harm, or providing advanced practice services without ~~b~~Board approval, or practicing when the license has been expired or inactive for a period of more than three months but less than one year, or supervising more occupational therapy assistants than allowed by law. A class "B" violation may be issued to a person who has committed a class "C" violation who has two or more prior, separate class "C" violations.

(3) Class "C" violations shall not be less than $50 nor more than $1,000. Class "C" violations are violations that the executive officer, or ~~his or her~~ the executive officer's designee, has determined involve a person who has violated a statute or regulation relating to the practice of occupational therapy. A class "C" violation is a minor or technical violation which is neither directly or potentially detrimental to patients nor potentially impacts their care. Such violations may include, but are not limited to, practicing when the license has been expired or inactive for a period of three months or less, failing to disclose a conviction or convictions ~~in the application process~~ as legally required, or failing to provide a patient or client or the guardian of a patient or client access to their medical records pursuant to Health and Safety Code Section 123110. A class "C" violation may also be issued to a licensee holder who fails to respond to a written request by the ~~b~~Board for additional information relating to a renewal application.
(4) Class "D" violations shall not be less than $50 nor more than $250. Class "D" violations occur when the executive officer, or ~~his or her~~ the executive officer's designee, has determined that ~~an applicant or~~ a licensee has failed to provide a change of address within 30 days as required by Section 4102. A class "D" violation is a minor technical violation which is neither directly or potentially detrimental to patients nor potentially impacts their care.

(b) In determining the amount of an administrative fine, the executive officer, or ~~his or her~~ the executive officer's designee, shall consider the following factors:
(1) Gravity of the violation~~,~~;
(2) History of previous violations involving the same or similar conduct~~,~~;
(3) Length of time that has passed since the date of the violation~~,~~;
(4) Consequences of the violation, including potential for patient harm~~,~~;
(5) The good or bad faith exhibited by the cited individual~~,~~;
(6) Evidence that the violation was willful~~,~~;
(7) The extent to which the individual cooperated with the ~~b~~Board's investigation~~,~~;
(8) The extent to which the individual has remediated any knowledge and/or skills deficiencies~~,~~; and
(9) Any other mitigating or aggravating factors.

(c) In his or her discretion, the executive officer, or ~~his or her~~ the executive officer's designee, may issue an order of abatement without levying a fine for the first violation of any provision set forth in subsection (a).

(d) The executive officer, or ~~his or her~~ the executive officer's designee, may assess a fine which shall not exceed five thousand dollars ($5,000) for each violation if the violation involves fraudulent billing.

Note: Authority cited: BPC Sections 125.9, 148 and 2570.20. Reference: BPC Sections 125.9 and 148.

Amend the title of Article 5.5. of Division 39 of Title 16 of the California Code of Regulations to read as follows:

Article 5.5. Standards Related to Denial~~,~~ and Discipline~~, and Reinstatement~~ of Licenses

Amend section 4146 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4146. Definitions

For the purposes of denial or discipline of a license:
(a) "Incompetence" is the lack of possession of or the failure to exercise that degree of knowledge, learning, skill, ability, care or experience ordinarily possessed and exercised by a competent licensed professional.
(b) "Negligence" is a departure from the standard of care, which under similar circumstances, would have been ordinarily exercised by a competent licensed professional.

(c) "Gross negligence" is an extreme departure from the standard of care, which under similar circumstances, would have been ordinarily exercised by a competent licensed professional.

~~(d) For the purposes of denial, suspension, or revocation of a license, a crime or act shall~~

~~be considered to be "substantially related to the qualifications, functions or duties of an occupational therapy practitioner," if it evidences present or potential unfitness of a licensee to perform the functions authorized by his or her license or in a manner inconsistent with the public health, safety, or welfare. Such crimes or acts include, but are not limited to, those involving the following:~~

~~(1) Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate any provision or term of the Occupational Therapy Practice Act.~~

~~(2) Fiscal dishonesty, theft or larceny.~~

~~(3) An incident involving controlled substances or alcohol to the extent that practice is impaired or a threat to the health or safety of themselves or others.~~

~~(4) Conviction of a crime involving harassment or stalking (as defined by the Penal Code).~~

~~(5) Conviction of a crime involving lewd conduct, prostitution or solicitation thereof, or pandering and/or indecent exposure (as defined by the Penal Code).~~

~~(6) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.~~

~~(7) Failure to comply with any mandatory reporting requirements.~~

~~(8) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.~~

Note: Authority cited: BPC Section 2570.20. Reference: BPC Sections 141, 480, 481, 488, 490, 492, 493, 2570.2~~ and 2570.20~~, 2570.26, 2570.27, and 2570.28.

Delete Substantial Relationship Criteria from section 4146(d) and add to new section 4146.1 to Division 39 of Title 16 of the California Code of Regulations to read as follows:

Add new section 4146.1 to Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4146.1. Substantial Relationship Criteria

(a) For the purposes of denial, suspension, or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475), or Section 2570.28 or Section 2570.29 of the Code, a crime, act, or professional misconduct shall be considered to be "substantially related to the qualifications, functions or duties of an occupational therapy practitioner" if it evidences present or potential unfitness of a licensee to perform the functions authorized by the license or in a manner inconsistent with the public health, safety, or welfare.

(b) In making the substantial relationship determination required under subsection (a) for a

crime, the Board shall consider all of the following criteria:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of an occupational therapist or occupational therapy assistant.

(c) For purposes of subsection (a), a substantially related crime, act, or professional misconduct shall include those involving the following:

(1) Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate any provision or term of the Occupational Therapy Practice Act.

(2) Fiscal dishonesty, fraud, misrepresentation, theft or larceny.

(3) An incident involving controlled substances or alcohol to the extent that practice is impaired or a threat to the health or safety of themselves or others.

(4) Conviction of a crime involving harassment, stalking (as defined by the Penal Code), trespass, or violation of a court order to prevent domestic violence.

(5) Conviction of a crime involving lewd conduct, prostitution or solicitation thereof, or pandering and/or indecent exposure (as defined by the Penal Code).

(6) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(7) Failure to comply with any mandatory reporting requirements.

(8) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

Note: Authority cited: BPC Section 2570.20. Reference: BPC Sections 141, 480, 481, 488, 490, 492, 493, 2570.2, 2570.26, 2570.27, and 2570.28.

Renumber section 4146.5 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

~~§ 4146.5.~~ § 4148.5. Effective Dates of Decisions

Add new section 4146.7 to Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4146.7 Rehabilitation Criteria for Applicants

When considering the denial of a license:

(a) If the denial is under Section 480 of the Code on the grounds that the applicant has been convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation if the applicant completed criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a), or the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 2570.28 or 2570.29 of the Code, the Board shall apply the following criteria in evaluating an applicant's rehabilitation:
(1) The nature and gravity of the act(s), professional misconduct or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s), professional misconduct or crime(s) committed subsequent to the act(s), professional misconduct or crime(s) under consideration as grounds for denial.

(3) The time that has elapsed since commission of the act(s), professional misconduct or crime(s) referred to in paragraph (1) or (2).

(4) Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) The criteria in subsection (a)(1) through (5), as applicable.

(6) If applicable, evidence of expungement or dismissal proceedings.

(7) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: BPC Section 2570.20. Reference: BPC Sections 482, 2570.26, 2570.27, 2570.28, and 2570.29.

Add new section 4146.8 to Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4146.8. Rehabilitation Criteria for Licensees

(a) When considering imposing discipline upon a license, if the discipline is under sections 490, 2570.28, or 2570.29 of the Code on the grounds that a person holding a license under Chapter 5.6 of Division 2 of the Code has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) When considering imposing discipline upon a license where subsection (a) does not apply, if the licensee has not completed the criminal sentence at issue without a violation of parole or probation, or the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (a), or the suspension or revocation is based on a disciplinary action as described in Section 141 of the Code, or the suspension or revocation is based on one or more of the grounds specified in Sections 2570.28 or 2570.29 of the Code, the Board shall apply the following criteria in evaluating the licensee's rehabilitation:

(1) The nature and gravity of the act(s), disciplinary action(s) or crime(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) The criteria in subsection (a)(1) through (5), as applicable.

(6) If applicable, evidence of expungement or dismissal proceedings.

(7) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a license under the provisions of Section 2570.32 of the Code, the Board shall evaluate evidence of rehabilitation submitted

by the petitioner considering those criteria specified in subsection (b) of this section.

Note: Authority cited: BPC Section 2570.20. Reference: BPC Sections 141, 482, 2570.26, 2570.27, 2570.28, 2570.29, and 2570.32.

Amend section 4147 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4147. Disciplinary Guidelines

(a) In reaching a decision on a disciplinary action under the administrative adjudication provisions of the Administrative Procedure Act (Government Code 11400 et seq.), the Board shall consider and apply the Disciplinary Guidelines [~~October 2013~~ January 2024], which are hereby incorporated by reference. The Disciplinary Guidelines shall apply to all disciplinary matters. Deviation from these disciplinary guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such deviation, e.g., the presence of aggravating or mitigating factors; age of the case; or evidentiary issues.

(b) All probationers shall submit and cause each health care employer to submit quarterly reports to the Board. The reports, "Quarterly Written Report (~~4/2011~~ 1/2024)"; and "Work Performance Evaluation (~~02/2011~~ 1/2024)"; shall be obtained from the Board and are hereby incorporated by reference.

Note: Authority cited: BPC Section 2570.20. Reference: BPC Sections 125.6, 475, 480, 481, 482, 490, 496, 2570.27, 2570.28, 2570.29, 2570.30, 2570.31 and 2570.32; and Section 11425.50(e), Government Code.

Amend section 4147.5 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4147.5. Uniform Standards Related to Substance Abuse

(a) The Board shall also apply, as required, the Department of Consumer Affairs' Substance Abuse Coordination Committee's Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (~~April 2011~~ March 2019) [hereafter "Uniform Standards"], which are hereby incorporated by reference. The "Uniform Standards" describe the mandatory conditions that apply to a substance abusing licensee, except that the Board may impose more restrictive conditions if necessary to protect the public. Neither the board nor an administrative law judge may impose any conditions or terms of probation that are less restrictive than the "Uniform Standards."

(b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for the purposes of section 315 of the Code. If the licensee does not rebut that presumption, in addition to any and all relevant terms and conditions contained in the Disciplinary Guidelines, the "Uniform Standards" shall apply as written and be used in the order placing the licensee on probation.

Note: Authority cited: BPC Section 2570.20. Reference: BPC Sections 315, 315.2, 315.4, 2570.27; and Section 11425.50(e), Government Code.

Add new section 4147.7 to Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4147.7. Probation Monitoring Costs

(a) When the Board imposes terms and condition of probation, the Board may order the payment of probation monitoring costs.

(b) The Board shall not renew the license of a licensee who fails to pay all of the costs the licensee is ordered to pay once the licensee has completed the term of probation.

(c) The Board shall not restore a license if the probationer has failed to pay any costs the probationer was ordered to pay.

(d) The Board shall not consider a petition for early termination or modification of probation if the probationer failed to pay any probation monitoring costs the probationer was ordered to pay.

(e) Failure to pay monitoring costs as ordered shall be considered a violation of probation.

(f) The Board shall consider any unpaid probation monitoring costs ordered when evaluating a petition for reinstatement.

Note: Authority cited: BPC Section 2570.20. Reference: BPC Sections 2570.26 and 2570.27.

Renumber section 4148 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

~~4148.~~ **§ 4146.2. Mental or Physical Examination of Fitness for Licensure**

Renumber section 4149 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

~~4149.~~ **§ 4146.3. Other Actions Constituting Unprofessional Conduct**

Renumber section 4149.1 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

~~4149.1.~~ **§ 4146.5. Revocation for Sexual Contact**
Add Article 5.6 to Division 39 of Title 16 of the California Code of Regulations to read as follows:

Article 5.6 Petitions for Modification of Penalty and Reinstatement of Licenses

Add new section 4149.6 to Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4149.6. Petitions for Modification of Penalty or Termination of Probation

A licensee whose license has been placed on probation may petition the Board for reduction of penalty or termination of probation upon submission of the completed form Probationer Petition, Form PET, Rev. 1/2024, hereby incorporated by reference.

Authority: Section 2570.20, Business and Professions Code. Reference: Sections 2570.30 and 2570.32, Business and Professions Code; section 11522, Government Code.

Add new section 4149.7 to Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4149.7. Petitions for Reinstatement of License

(a) A person who surrendered their license or whose license has been revoked by the Board may petition for reinstatement of their license by submitting:

(1) A completed form Petition for Reinstatement of License, Form PTR, Rev. 1/2024, hereby incorporated by reference; and

(2) A request for Live Scan Service evidencing electronic submission of fingerprints to the Department of Justice for the purpose of undergoing a state and federal level criminal offender record information search conducted through the Department of Justice, for furnishing to the Board; and

(3) Certified court and arrest records for any criminal offense that resulted in petitioner's court-imposed probation or parole, or any court order of registration pursuant to Section 290 of the Penal Code.

(b) An individual whose petition for reinstatement is not heard or considered by the Board pursuant to section 2570.32 may file a new petition for reinstatement after a period of not less than one year from the date of the notice that the petition would not be heard or considered; or after petitioner is no longer under sentence for any criminal offense, including any period of court-imposed probation or parole, or subject to an order of registration pursuant to Section 290 of the Penal Code; whichever is sooner.

Authority: Section BPC 2570.20. Reference: BPC Sections 2570.30 and 2570.32; Section 11522, Government Code.

Any documents or forms incorporated by reference in the text above, are available from the Board upon request.