

## **AGENDA ITEM 27**

### **REPORT ON LEGISLATION.**

The following are included:

- a) AB 47, Pelvic floor physical therapy coverage, and Board's position letter.
- b) AB 381, Teacher credentialing: services credential with a specialization in health: occupational and physical therapists, and Board's position letter.
- c) AB 796, Athletic trainers, the Board's position letter and Medical Board of California's position letter.
- d) AB 1028, Reporting of crimes: mandated reporters.
- e) AB 1612, Clinics: licensure.
- f) SB 802, Licensing board: disqualification form licensure: criminal conviction.

Please Note: All bills can be found at: <https://leginfo.legislature.ca.gov/>

## California Board of Occupational Therapy Legislative Update as of January 17, 2024

Bill #	Author	Summary	Board Position/ Date Taken	Status
AB 47	Boerner	<b>Pelvic floor physical therapy coverage.</b> This bill would require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2024, to provide coverage for pelvic floor physical therapy after pregnancy.	Support if Amended May 19, 2023	Two-Year Bill
AB 381	Rubio	<b>Teacher credentialing: services credential with a specialization in health: occupational and physical therapists.</b> This bill would delete the provision specifying that services as an occupational therapist or physical therapist are not health services for purposes of a services credential with a specialization in health.	Support May 19, 2023	Held in Committee May 18, 2023
AB 796	Weber	<b>Athletic trainers.</b> The bill would establish the Athletic Trainers Fund for the deposit of application and renewal fees and would make those fees available to the board upon appropriation by the Legislature for the purpose of implementing the act's provisions.	Watch May 19, 2023  Support if Amended April 13, 2023	Two-Year Bill
AB 996	Low	<b>Department of Consumer Affairs: continuing education: conflict-of-interest policy.</b> This bill related to continuing education credits would make sure the continuing education program is not for profit.	Watch May 19, 2023	Two-Year Bill
AB 1028	McKinnor	<b>Reporting of crimes: mandated reporters.</b> This bill would, on and after January 1, 2025, would remove the requirement to make a report to law enforcement when abusive conduct is suspected and instead require a health practitioner to provide support, and a warm handoff or referral. to domestic violence or sexual violence advocacy services.	Watch August 25, 2023	Held in Committee September 1, 2023
AB 1612	Pacheco	<b>Clinics: licensure.</b> This bill would authorize a licensed primary care clinic with a license in good standing with the department for the preceding five years to construct a new outpatient clinic.	Watch May 19, 2023	Vetoed-Oct. 8, 2023 <b>Consideration of Governor's veto January 3, 2024</b>
SB 802	Roth	<b>Licensing boards: disqualification from licensure: criminal conviction.</b> This bill would require a board to notify the applicant, in writing within 30 days, if they decide to deny their application for licensure based on the applicant's conviction history.		Two-Year Bill



January 26, 2023

The Honorable Mia Bonta  
Chair of the Health Committee  
Assembly Health Committee  
1020 N Steet, Room 390  
Sacramento, California 95814

RE: AB 47 (Boerner) – **Position: SUPPORT, If Amended**

Dear Assembly Member Bonta:

The California Board of Occupational Therapy (Board) carefully reviewed Assembly Bill 47, which would require that a health care service plan contract or health insurance policy provide coverage for pelvic floor physical therapy after pregnancy. I am writing to express the Board's position of support, *if amended* to include occupational therapy practitioners as providers of pelvic floor therapy.

Pelvic health has a direct relationship to numerous areas that occupational therapists address within the Practice Framework such as activities of daily living, social participation, and pelvic floor challenges that occur in the female, male and pediatric population.

The Board asks for your consideration in adding occupational therapy practitioners with expertise in pelvic floor therapy as approved providers of pelvic floor therapy.

Please contact me at 916-248-2178 if you need additional information or have any questions regarding the Board's position on SB 805.

Sincerely,

Heather Martin, Executive Officer  
CA Board of Occupational Therapy

cc: Assembly Member Tasha Boerner, Author  
Lila Mirrashidi, Deputy Secretary of Business and Consumer Relations,  
Business, Consumer Services and Housing Agency  
Myles White, Deputy Secretary of Legislation  
Business, Consumer Services and Housing Agency  
Jennifer Simoes, Deputy Director  
Division of Legislative Affairs, Department of Consumer Affairs  
Members, CA Board of Occupational Therapy



January 26, 2023

The Honorable Buffy Wicks  
Chair, Assembly Appropriations Committee  
1021 O Street, Suite 8220  
Sacramento, California 95814

**RE: Assembly Bill 381 (Rubio) Teacher credentialing: services credential with a specialization in health: occupational and physical therapists – SUPPORT**

Dear Chairperson Wicks:

The California Board of Occupational Therapy (Board) carefully reviewed and supports Assembly Bill (AB) 381, as amended on May 1, 2023, which would require the commission, until January 1, 2029, to issue a services credential with a specialization in health to an appropriately licensed occupational therapist or physical therapist who meets certain requirements and would authorize, *but would not require*, an occupational therapist or a physical therapist to apply for a services credential with a specialization in health, as provided.

AB 381 is sponsored by the Occupational Therapy Association of California (OTAC) and the California Physical Therapy Association (CPTA). The organizations indicate that Occupational Therapists (OTs) and Physical Therapists (PTs) provide educational services to schools but are the only professionals mandated by Individuals with Disabilities Act who are not provided a credentialing opportunity.

OTs and PTs complete a rigorous education and training program that leads to a master's and/or a doctoral degree. Therapists use their education and training to provide existing services to students without a credential and there is no apparent educational need or benefit to students to warrant the additional requirement of earning a credential. The stated rationale from advocates is that earning this credential would grant OTs and PTs a greater voice on issues involving Occupational and Physical Therapy services and would open the door for therapists to possibly earn a higher salary.

Please contact me at 916-248-2178 if you need additional information or have any questions regarding the Board's position on AB 381.

Sincerely,

Heather Martin, Executive Officer  
CA Board of Occupational Therapy

cc: Assembly Member Blanca Rubio, Author  
Lila Mirrashidi, Deputy Secretary of Business and Consumer Relations  
Business, Consumer Services and Housing Agency  
Myles White, Deputy Secretary of Legislation  
Business, Consumer Services and Housing Agency  
Jennifer Simoes, Deputy Director  
Division of Legislative Affairs, Department of Consumer Affairs



April 21, 2023

The Honorable Marc Berman  
Chair, Business & Professions Committee  
California State Assembly  
Legislative Office Building, Room 379  
Sacramento, CA 95814

RE: AB 796 (Weber) – **Position: SUPPORT, If Amended**

Dear Assembly Member Berman:

The California Board of Occupational Therapy (Board) carefully reviewed Assembly Bill 796, which would establish the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy, to license athletic trainers, regulate the practice of athletic training, and exercise all disciplinary, administrative, and regulatory functions, as specified. The Board has a couple concerns with the language as written.

As proposed, Business and Professions Code (BPC) section 2697.1(b), specifies “*athletic training ... includes services appropriate for ... injuries and illnesses sustained by an athlete*” and BPC Section 2697.1(c) details what is included in the practice of athletic training.

The Board will support AB 796 if amendments to the bill include:

- (1) Expanding the definition of *athlete* set forth in BPC section 2697.1 to recognize that athletic trainers may treat or care for those in the military and performing arts. Treatment of soldiers and performing artists’ physical strength, flexibility, range of motion, etc. to decrease or minimize risk of injury, is necessary for their continued participation and optimal performance;
- (2) Expanding the definition of *athlete* set forth in BPC section 2697.1 to recognize that athletic trainers are used in corporations to promote and maintain the well-being of employees. Athletic trainers may recommend injury prevention and management plans; and
- (3) Providing more specificity in the definition of ‘*athletic training*’ as set forth in section 2697.1(c).

April 21, 2023  
AB 796 Position letter  
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The Board requests clarity on '*athletic training*' as defined in BPC section 26971(c). Specifically, an athletic trainer's ability to prevent, recognize, assess, manage, and treat *illnesses*, and to identify disabilities and provide appropriate care.

Separate from the Board's position on the bill, with the Athletic Training Licensing Committee proposed to be within the Board, the Board respectfully requests consideration of including a licensed occupational therapist as one of the Committee's public members, as specified in BPC section 2697.4(b)(2).

Please contact me at 916-248-2178 if you need additional information or have any questions regarding the Board's position on AB 796.

Sincerely,

Heather Martin, Executive Officer  
CA Board of Occupational Therapy

cc: Assembly Member Akilah Weber, MD, Author  
Lila Mirrashidi, Deputy Secretary of Business and Consumer Relations,  
Business, Consumer Services and Housing Agency  
Amy Wilson, Deputy Secretary of Legislation,  
Business, Consumer Services and Housing Agency  
Myles White, Assistant Secretary of Legislation,  
Business, Consumer Services and Housing Agency  
Jennifer Simoes, Deputy Director,  
Division of Legislative Affairs, Department of Consumer Affairs  
Nick Harvey, Chair, Governmental Affairs Committee,  
California Athletic Trainers Association  
Members, CA Board of Occupational Therapy



# MEDICAL BOARD OF CALIFORNIA

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

May 24, 2023

The Honorable Akilah Weber, M.D.  
California State Assembly  
1021 O Street, Suite 4130  
Sacramento, CA 98514

### **Re: AB 796 (Weber) – Oppose, Unless Amended**

Dear Assemblymember Weber:

During their meeting on May 18, 2023, the Medical Board of California (Board) adopted a position of Oppose, Unless Amended on AB 796, which would establish the Athletic Training Practice Act and place the Athletic Trainer Registration Committee (ATRC) within the Board.

The Board is concerned that placing the ATRC within the jurisdiction of the Board will lead to additional, unknown, and potentially significant new workload as interested parties will expect the Board to provide oversight and leadership in the regulation of athletic trainers (AT). Given its existing programmatic requirements, strategic goals, and well-documented financial challenges, the Board is not equipped to take on such a task and desires to focus on its current mission, which primarily involves the regulation of allopathic medical doctors.

For this key reason, the Board adopted its position of Oppose, Unless Amended, and requests that AB 796 be amended to place the ATRC within another licensing board or create a standalone entity to regulate athletic trainers.

The Board, however, believes that it is a worthy goal to establish an appropriate regulatory framework outside of the Board surrounding the practice of athletic training. As noted in the [staff analysis](#), the Board identified various consumer protection concerns with the current bill language:

- The law states that the Board's highest priority is consumer protection, but similar language is not provided in the bill for the ATRC.
- There is no authority for the ATRC to obtain fingerprints or perform a criminal background check (such authority was in a prior version but was amended out).
- There is no provision to deny a registration to someone who is a registered sex offender or to someone who has committed sexual misconduct with a patient/client.
- No online verification option is provided for consumers to verify the registration of an AT.



**Assemblymember Akilah Weber, M.D.: AB 796 – Oppose, Unless Amended**

**May 23, 2023**

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- No limits are provided for the number of ATs that a physician may supervise at one time (note that [BPC section 3516](#) generally prohibits a physician from supervising more than four physician assistants (PA) at one time).
- The ATRC relies upon private, non-profit organizations to investigate and revoke certification of an AT, subject to the judgment of that certifying body.
- Someone who is denied a registration or has a registration revoked can simply reapply under proposed section BPC section 2529.8.10 and 2529.8.8. There is no waiting period nor a requirement for them to demonstrate to the committee that they are safe to practice.

Furthermore, opponents of AB 796 have raised significant concerns with the scope of practice, as currently drafted in the bill. The Board encourages you to consider making this a two-year bill to work through the various consumer protection concerns raised by the Board and other stakeholders.

Finally, I wish to express our appreciation for the opportunity to hear directly from your staff and sponsors who participated in our meeting and for your desire to find another home for the ATRC and to address certain concerns raised with the bill.

Please contact Aaron Bone, Chief of Legislation and Public Affairs, at (916) 274-6251 or via email at [Aaron.Bone@mbc.ca.gov](mailto:Aaron.Bone@mbc.ca.gov) if you have any questions.

Sincerely,



Reji Varghese  
Interim Executive Director

cc: Sarah Mason, Staff Director, Senate Committee on Business, Professions & Economic Development  
Kayla Williams, Policy Consultant, Senate Republican Caucus  
Vince Chee, Deputy Chief Consultant, Assembly Committee on Business and Professions  
Bill Lewis, Policy Consultant, Assembly Republican Caucus