

AGENDA ITEM 5

CONSIDERATION AND REVIEW OF PREVIOUS ISSUES IDENTIFIED IN THE 2022 SUNSET REPORT AND POSSIBLE RECOMMENDATION TO THE BOARD REGARDING PRIORITIZATION OF THOSE ISSUES AND RESPONSES TO BE INCLUDED IN THE BOARD'S 2026 SUNSET REPORT.

INCLUDES THE FOLLOWING:

- 5.1 SECTIONS 11 AND 12 FROM THE 2022 SUNSET REPORT.
- 5.2 BACKGROUND PAPER ISSUES AND RESPONSES FROM THE 2022 SUNSET REPORT.

SECTIONS 11 AND 12 FROM THE 2022 SUNSET REPORT

Section 11 – Board Action and Response to Prior Sunset Issues

Issues Identified in 2016 Sunset Report and Update

ISSUE #1: *Will the CBOT's proposed fee structure support the health of its long-term fund condition?*

Committee Staff 2016 Recommendation: *The CBOT should discuss its fund projections and fee audits with the Committee and explain whether the new fee structure will generate sufficient revenues to cover its costs. Further, the CBOT should inform the Committee of whether a statutory change is needed to charge a lesser fee for the inactive license.*

Due to downward trending projections in the Board's fund condition statement, in addition to identifying expenditure reductions, the Board is also considering whether to raise fees. As of the last Sunset Review, the Board charged a lower fee for renewing a license on inactive status. However, when implementing the renewal fee increases in 2017, the statute specified the renewal fee for healing arts licenses on active and inactive status must be the same, so the active and inactive renewal fees were aligned. Subsequent amendments have changed this requirement and would allow the Board to charge a lower fee for renewing a license on inactive status. In order to do this, a lower fee would need to be specified in regulation.

ISSUE #2: *Does the CBOT use its administrative committee to address any ongoing issues?*

Committee Staff 2016 Recommendation: *The CBOT should discuss how it uses its administrative committee to explore ongoing issues and whether it uses any other methods to improve board processes and promote the flow of information to and from the board members.*

The CBOT uses its administrative committee to provide direction to the executive officer regarding ongoing administrative issues or to make recommendations to the Board.

Information regarding the various issues are shared with Board Members at meetings in the President's Remarks, Board Member Remarks, or Executive Officer's Report, all of which are provided during a publicly noticed meeting.

ISSUE #3: *Should the CBOT take additional steps to require licensees to attestation in its application or utilize an educational tool, whether continuing competence courses or an online assessment, to assist with its practice issues?*

Committee Staff 2016 Recommendation: *The Committees may wish to require the CBOT to, at a minimum, amend its application to require an applicant to certify that the applicant has read and understands the laws and regulations. The CBOT should also explain whether requiring a continuing competence course in ethics or developing a non-pass/fail online assessment is feasible (in addition to or instead of an attestation).*

The Board has not modified the attestation in the Initial Application for Licensure to incorporate a statement that the applicant acknowledges reading the Board's laws and regulations at this time. The Board will discuss this matter in future meetings, along with consideration of requiring an ethics course as a requirement for license renewal.

ISSUE #4: Are there duplicative requirements for out-of-state and military applicants that can be streamlined?

Committee Staff 2016 Recommendation: *The CBOT should advise the Committees about the specific differences between the state requirements, the NBCOT requirements, and the known requirements of other states and whether there are any duplicative requirements that can be cut out.*

The Board acknowledges there are several duplicative requirements for out-of-state licensed and military applicants, including submission of the qualifying degree transcript, verification from the NBCOT that the applicant has passed the national examination, and letters of good standing from states where the applicant holds or held a license to verify if discipline had been imposed on their license. The processing times for these institutions to provide documentation varies widely. It has been a long-standing practice for Board staff to obtain primary source verification of applicant documentation and not delegate this task to other institutions and entities.

ISSUE #5: Should the CBOT approve post-professional education courses?

Committee Staff 2016 Recommendation: *The CBOT should discuss the approximate number of post-graduate training programs seeking approval, the subject areas, the approval criteria, and whether this will create disparate education standards between states. The CBOT should also complete the "Fee Bill Worksheet" required by the Committees.*

The Board did not follow up on the 'Fee Bill Worksheet' after the last Sunset Report as the revenue source was not needed at the time. However, due to the current fund condition and the cost related to expert review, the Board is going to consider this along with evaluating other potential revenue streams to bolster the Board's fund condition.

Post-professional education pertains to the Board's three areas identified as advanced practice (hand therapy, physical agent modalities, and swallowing evaluation, assessment, and intervention). Currently these educational providers pay no fee to have their course(s) evaluated and approved by the Board. Since this task takes staff time and requires a subject matter expert's review, the Board wanted to explore the possibility of charging a fee for approval of the course and require a subsequent renewal because these providers have failed to notify the Board of course content updates and any changes in instructors.

Since May of 2004 the Board has approved nearly 90 providers for offering coursework related to advanced practice areas. Unfortunately, providers often change the course after approval (content covered, number of hours, instructors, etc.) without notifying the Board. When this happens, the course must be reviewed again when submitted with an advanced practice application.

ISSUE #6: Should the CBOT resume checking the National Practitioner Data Bank for adverse actions against applicants and licensees?

Committee Staff 2016 Recommendation: *The CBOT should resume checking the NPDB and include the \$2 fee in the “Fee Bill Worksheet” required by the Committees.*

The Board followed the Committee Recommendation and ultimately obtained authority to charge applicants the NPDB query fee in statute. The Board began conducting NPBD queries on all applicants in January 2019. Due to receiving only two reports, one of which had been generated by the CBOT, and the time involved by staff inputting an applicant’s personal information into the system, the Board decided to stop charging the query fee and conducting the NPDB queries in April 2020.

While no longer submitting query for all applicants, the Board still conducts NPDB queries on applicants when circumstances are warranted (e.g. incorrect and inconsistent information in an application).

ISSUE #7: What has the CBOT discovered about current workforce trends since implementing its workforce survey?

Committee Staff 2016 Recommendation: *The CBOT should discuss how it utilizes the demographic information and provide an update on any trends so far.*

The Board has been unable to retrieve any demographic data in its renewal and initial license survey, so we are unable to report on this matter.

ISSUE #8: Is the CBOT concerned about ongoing costs for BreEZe?

Committee Staff 2016 Recommendation: *The CBOT should discuss whether it has considered utilizing staff dedicated to BreEZe and whether it could be helpful and reduce the number of staff needed and need for fee increases.*

The Board hired a staff services analyst whose primary duty is to serve as the Board’s single point of contact with the Breeze Team in developing new service requests and testing system modifications. Other licensing, administration, and enforcement staff are no longer required to split their regularly assigned duties to assist with Breeze systems modifications.

After the design and development costs of BreEZe and the January 2016 implementation, the on-going costs for maintenance have dropped considerably. More information on past BreEZe expenditures and future projected costs can be found in Section 2, Question 13, Figure 1.

ISSUE #9: Is there a way to disaggregate enforcement data to make it more useful?

Committee Staff 2016 Recommendation: *The CBOT should discuss whether it is currently possible to disaggregate enforcement data and, if not, whether the CBOT can work with the DCA to develop methods to do so.*

The BreEZe system has the capability to disaggregate some enforcement data via new reports and tools. Since the last Sunset Report DCA has enhanced existing reports and developed new reports to provide Boards assistance. If there is not a report for specific data that the Board needs, there is the Quality Business Interactive Reporting Tool (QBIRT) which allows staff to identify additional data. For more specific and/or sophisticated needs, Board staff can 'submit a ticket' to request DCA staff to customize a report for the Board.

ISSUE #10: *Should the CBOT use other technologies the DCA might have to improve submission compliance and processing times for primary source documentation?*

Committee Staff 2016 Recommendation: *The CBOT should discuss whether it has considered using the DCA's cloud or other technology tools for primary source document submissions.*

Due to access limitations the Board did not move forward with using cloud- based access. However, the Board has requested a change in BreEZe that would allow licensees to upload copies of their continuing education certificates at the time of renewal. This could be a convenient repository of documentation for licensees that could also be used by Board staff in the event the licensee's renewal is audited in the future.

If the licensee chooses to not upload their certificates at the time of renewal but are later audited, an additional change requested to BreEZe will allow the licensee the option to access their BreEZe account to upload copies of the certificates, in addition to receiving hard copies via regular postal mail.

ISSUE #11: Should the CBOT utilize additional survey types to improve its survey response rates?

Committee Staff 2016 Recommendation: *The CBOT should advise the Committees on any contemplated solutions to the low consumer satisfaction survey response rates.*

The Board was not able to send out a consumer satisfaction survey or other surveys prior to this Sunset Report. Therefore, no improvements nor continued dissatisfaction has been identified.

The Board has since renewed its Survey Monkey subscription and requested the information be added to the Board's website. To supplement that, the Board will email a link to the survey to those licensees that the Board has an email address on file and post the link on social media.

ISSUE #12: What impediments, other than timing and planning, impact the CBOT's ability to webcast its meetings?

Committee Staff 2016 Recommendation: *The CBOT should advise the Committees on specific instances in the past four years when the DCA did not have enough resources to assist with webcasting when requested, why the CBOT was not able to select early meeting dates in the past four years, and any other impediments the CBOT faces when trying to webcast its meetings.*

The Board establishes its next calendar year meeting schedule at its Fall or Winter Board Meeting. Once those dates have been determined staff contacts the DCA Public Affairs Unit to secure webcasting for its scheduled meetings but DCA's webcasting resources are not always available due

to obligations with other Boards.

Since the pandemic, all Board and Committee Meetings have been conducted virtually over the internet on the WebEx platform making meetings more accessible to the public.

ISSUE #13: Should the Practice Act be amended to change the CBOT's ratio of public members to professional members?

Committee Staff 2016 Recommendation: *The CBOT should discuss the pros and cons of rebalancing the ratio of board members and discuss any other potential areas that might need to be addressed, such as recruitment and appointments.*

The composition of Board Members, including public and licensee members, is specified in statute and the ratio has not been addressed as the expertise of licensees along with public members provides a fair and balanced way to ensure consumer protection.

ISSUE #14: Are there technical changes that can be made to the Practice Act that may improve CBOT operations?

Committee Staff 2016 Recommendation: *The CBOT should continue to work with the Committees on the submitted proposals.*

One potential amendment could be to amend BPC 2570.3(j)(2) since it was recently amended to allow an occupational therapist to supervise *three* occupational therapy assistants. However, that doesn't align with the occupational therapist/occupational therapy assistant ratio specified.

2570.3(j)(2) An occupational therapist shall not supervise more occupational therapy assistants, at any one time, than can be appropriately supervised in the opinion of the board. *Three* occupational therapy assistants shall be the maximum number of occupational therapy assistants supervised by an occupational therapist at any one time, but the board may permit the supervision of a greater number by an occupational therapist if, in the opinion of the board, there would be adequate supervision and the public's health and safety would be served. In no case shall the total number of occupational therapy assistants exceed ~~twice~~ three times the number of occupational therapists regularly employed by a facility at any one time.

ISSUE #15: Should the State continue to license and regulate OTs and OTAs? If so, should the Legislature continue to delegate this authority to the CBOT and its current membership?

Committee Staff 2016 Recommendation: *The CBOT should continue to regulate OTs and OTAs in order to protect the interests of the public for another four years and should update the Committees on its progress at that time.*

The Board thanks the Committee for the opportunity to respond to its questions and offers assurances that regulating the practice of occupational therapy is undertaken with great care, regard, and responsibility.

Section 12 – New Issues

This is the opportunity for the Board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.

Of the issues identified in Section 11, the Board considers the following to be priorities:

- Issue #1: A fee structure that will support the health of its long-term fund condition.
- Issue #3: A requirement of licensees that promotes competence.
Possibilities could include an attestation at time of renewal, ethics course requirement, online assessment or other educational tool, or development and required passing of a jurisprudence examination prior to licensure.
- Issue #12: Solutions that support the CBOT's ability to webcast its meetings.

2. New issues that are identified by the board in this report.

- The Board's fund condition projection indicates that revenue collected annually is less than the Board's expenditures; operating costs are trending up and revenue is not keeping pace. The Board may need to seek legislation to increase fees.
- Align and make consistent BPC 2570.3(j)(2). A recent amendment allows an occupational therapist to supervise three occupational therapy assistants where previously it allowed only two. However, it appears the last sentence of the section was not updated to correspond with the change. The language is provided below:

An occupational therapist shall not supervise more occupational therapy assistants, at any one time, than can be appropriately supervised in the opinion of the board. Three occupational therapy assistants shall be the maximum number of occupational therapy assistants supervised by an occupational therapist at any one time, but the board may permit the supervision of a greater number by an occupational therapist if, in the opinion of the board, there would be adequate supervision and the public's health and safety would be served. **In no case shall the total number of occupational therapy assistants exceed twice the number of occupational therapists regularly employed by a facility at any one time.** (Emphasis added.)

- Update BPC 2570.4 to acknowledge the doctoral capstone experience as part of an entry-level doctoral degree requiring a period of supervised clinical practice. The language is provided below:

Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of any of the following persons:

(a) Any person licensed or otherwise recognized in this state by any other law or regulation when that person is engaged in the profession or occupation for which he or she is licensed or otherwise recognized.

(b) Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy at an ACOTE-accredited educational program, if the person is designated by a title that clearly indicates his or her status as a student or trainee.

(c) Any person completing a supervised entry level doctoral capstone experience or fulfilling the supervised fieldwork experience requirements of subdivision (e) (d) of Section 2570.6, if the experience constitutes a part of the experience necessary to meet the requirement of that provision.

(d) Any person performing occupational therapy services in the state if all of the following apply:

(1) An application for licensure as an occupational therapist or an occupational therapy assistant has been filed with the board pursuant to Section 2570.6 and an application for a license in this state has not been previously denied.

(2) The person possesses a current, active, and nonrestricted license to practice occupational therapy under the laws of another state that the board determines has licensure requirements at least as stringent as the requirements of this chapter.

(3) Occupational therapy services are performed in association with an occupational therapist licensed under this chapter, and for no more than 60 days from the date on which the application for licensure was filed with the board.

(e) Any person employed as an aide subject to the supervision requirements of this section.

- Update BPC 2570.6 to accept completion of the entry-level doctoral degree as method of qualifying for licensure. The language is provided below:

An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file with the board a written application provided by the board, showing to the satisfaction of the board that he or she meets all of the following requirements:

(a) That the applicant is in good standing and has not committed acts or crimes constituting grounds for denial of a license under Section 480.

(b) (1) That the applicant has successfully completed the academic requirements of an educational program for occupational therapists or occupational therapy assistants that is approved by the board and accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization or approved by AOTA's Career Mobility Program.

(2) The curriculum of an educational program for occupational therapists shall contain the content required by the ACOTE accreditation standards, or as approved by AOTA's predecessor organization, or as approved by AOTA's Career Mobility Program.

(c) (1) For an applicant who is a graduate of an occupational therapy or occupational therapy assistant educational program who is unable to provide evidence of having met the requirements of paragraph (2) of subdivision (b), he or she may demonstrate passage of the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraph (2) of subdivision (b).

(2) For an applicant who completed AOTA's Career Mobility Program, he or she shall demonstrate participation in the program and passage of the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraphs (1) and (2) of subdivision (b).

(d) That the applicant has successfully completed a period of supervised fieldwork experience approved by the board and arranged by a recognized ACOTE-accredited educational institution where ~~he or she~~ the applicant has met the academic requirements of subdivision (b), ~~or (c) or arranged by a nationally recognized professional association.~~ The fieldwork requirements for applicants applying for licensure as an occupational therapist or ~~certification~~ as an occupational therapy assistant shall be consistent with the requirements of the ACOTE accreditation standards, or AOTA's predecessor organization, or AOTA's Career Mobility Program, that were in effect when the applicant completed ~~his or her~~ their educational program.

(e) That the applicant has successfully completed a supervised entry-level doctoral capstone experience and all experiences approved by the board and arranged by an ACOTE-accredited educational institution where the applicant has met the academic requirements of subdivision (d). The doctoral capstone requirement for applicants applying for licensure as an occupational therapist shall be consistent with the ACOTE accreditation standards in effect when the applicant completed the entry-level occupational therapy doctorate program.

~~(e)~~ (f) That the applicant has passed an examination as provided in Section 2570.7.

~~(f)~~ (g) That the applicant, at the time of application, is a person over 18 years of age, is not addicted to alcohol or any controlled substance, and has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

3. New issues not previously discussed in this report.

- The Board is troubled by the exponential increase in expenditures on court reporters. The Office of Administrative Hearings contracts with court reporters to provide transcription services during a hearing. Recent contract amendments, changing from hourly to flat all day or one-half day rates (without regard to hearing length), as well as rates varying by geographical area, are attributed to the rising costs.
- When the Board was established in 2000, it was suggested that there was no national minimum education standard relating to providing certain services. As a result, *advanced practice* areas were established in statute. This required occupational therapists to meet education and competency and Board approval to provide services in the areas of hand therapy, swallowing assessment, evaluation, or intervention or to use physical agent modalities.

Due to amendments to the national education standards, the Board will revisit this issue to determine the necessity of these requirements for occupational therapy students graduating after a TBD date.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

Joint Sunset Review Oversight Hearing, March 10, 2022
Senate Committee on Business, Professions and Economic Development
and the Assembly Committee on Business and Professions

The Board's Responses to Issues and Recommendations Identified in the Sunset Review Background Paper

CURRENT SUNSET REVIEW ISSUES

BUDGET ISSUES

ISSUE #1: FUND CONDITION. What is needed to address CBOT's structural budget deficit?

Background: As discussed on page 6 of this paper, and under Issue #1 from the prior sunset review, CBOT has intentionally operated with less revenue than its expenses to reduce its reserve levels in compliance with statutory requirements. However, unless CBOT can increase its revenue, or further reduce its expenditures, it is projected to become insolvent by FY 2023-24.

While CBOT reports it is doing what it can to reduce expenditures, many cost pressures are out of its control. For example, each FY CBOT pays a DCA pro rata cost, which is intended to reimburse the DCA for services rendered to CBOT (and some services are unavoidable, such as teleconferencing and mail). However, it is a complex calculation that is difficult to budget for and can fluctuate widely year-to-year for any board. In FY 2020-21, CBOT's pro rata costs increased by approximately \$256,000, a 7% increase from the prior FY, making up 31% of CBOT's overall expenditures.

In addition, in July of 2019, the California Department of Justice announced that it was utilizing language included in the Governor's Budget authorizing it to increase the amount it billed to client agencies for legal services. The change was substantial: the attorney rate increased by nearly 30% from \$170 to \$220, the paralegal rate increased over 70% from \$120 to \$205, and the analyst rate increased 97% from \$99 to \$195. While justification was provided for why an adjustment to the rates was needed, the rate hike occurred almost immediately and without any meaningful notice to any client agencies.

CBOT also reports a large increase in expenditures on court reporters. The Office of Administrative Hearings contracts with court reporters to provide transcription services during a hearing. Recent contract amendments, changing from hourly to flat all day or one-half day rates (without regard to hearing length), as well as rates varying by geographical area, are attributed to the rising costs.

Other cost pressures out of CBOT's control include steady increases in state worker pay and benefits, rent, and general costs due to inflation. In addition, the overall workload increases as the licensee population also steadily increases.

As a result, it is unlikely CBOT will be able to address its budget deficit through expenditure reduction. Therefore, it is currently considering increasing its fees but has not decided on any specific proposal. At the CBOT's recent February 15, 2022, board meeting, staff discussed the budget issue and presented several proposals and budget scenarios. CBOT has several options, including a straight fee increase across all fees, seeking statutory changes to untether the initial license fee from the renewal fee, creating new fees for certain services it provides for free, among other things. New fees could include minor services such as printing pocket cards or more major services such as approving advanced practice education providers (discussed further under Issue #6).

CBOT did not make a decision at that meeting and created an ad hoc committee to review its budget and make recommendations on an appropriate proposal.

Staff Recommendation: *CBOT should update the Committees on its progress in reviewing the proposals, and if a proposal is decided upon, complete the Committees' Fee Bill Questionnaire.*

Board Response:

As mentioned in the Board's 2016 Sunset report, there has been a historical disparity between revenue earned and the Board's expenditures. With prudent fiscal management and targeted expenditure reductions, for many years the Board's fund condition continued to support the fact that annual expenditures exceeded revenue earned.

Recognizing that this approach was insufficient to ensure long-term solvency, the Board adopted regulations establishing a two-step increase in renewal fees. This process resulted in modest fee effective July 1, 2017; the occupational therapist (OT) renewal fee increased from \$150 to \$220, and the occupational therapy assistant (OTA) renewal fee increased from \$150 to \$180. That increase was followed by another in January 2021, where the OT renewal fee increased from \$220 to \$270, and the OTA renewal fee increased from \$180 to \$220.

(Note: The renewal fees are currently the basis for the delinquent renewal fees and the initial license fees. Thus, the renewal fee increases in 2017 and 2021 also resulted in increases to the delinquent renewal fee and initial license fee revenue categories.)

Despite the recent fee increases and careful management, the disparity in annual revenue and expenditures continues to cause an on-going reduction in the number of months of operating reserves, putting the long-term health of the Board's fund at risk.

Thus, after considering various scenarios at several meetings, at its meeting on February 15, 2022, the Board tasked an ad hoc budget committee of two Board Members to work with the Board's Executive Officer to review revenue/expenditure information and different scenarios, including various fee increases and proposed new fees, to provide a recommendation to the full Board at its May 19-20 meeting. The ad hoc committee's held meetings to discuss the

impact of varied fee increases on March 16th and March 23rd; another ad hoc committee meeting is scheduled for April 22nd.

Despite underspending its annual budget authority for the past 10+ years, the imbalance of revenue earned relative to its expenditures cannot continue. Most fees are at the statutory maximum and the few fees that can be raised in regulation are insufficient to ensure solvency. Thus, statutory authority to increase current fees and establish new fees is necessary.

The Board looks forward to developing a comprehensive fee package, including a variety of fee increases and the establishment of new fees, to ensure fiscal solvency. Once done, the Board will complete the Committee's Fee Bill questionnaire and work with the Senate and Assembly B&P Committees toward an acceptable solution.

ADMINISTRATIVE ISSUES

ISSUE #2: STAFF VACANCIES. Are additional changes or resources needed to address CBOT's staff vacancies?

Background: CBOT reports 6.5 vacant positions of its 17.7 authorized positions, a vacancy rate of 37%. In addition, CBOT began succession planning efforts in late 2020 but reports that completion of a plan was hindered due to the COVID-19 pandemic, vacancies, and other priorities.

Specifically, CBOT reports that in July 2021, CBOT's Probation Monitor retired, and two other staff members accepted promotions at other state agencies. A Retired Annuitant who was hired to help with the Sunset Report and HR packages resigned due to health issues.

It also reports that one enforcement staff member returned to their former department effective February 1, 2022, but a new staff member joined February 7, 2022, and another will join April 7, 2022.

On November 1, 2021, a part-time Office Assistant retired, and on February 1, 2022, CBOT's Enforcement Manager retired. To assist in the interim, in January 2022 CBOT submitted a request for a current employee to serve in an out-of-class assignment as the acting Enforcement Manager; this request was approved in late February 2022. The out-of-class assignment was requested to provide oversight of the enforcement program until a permanent manager is recruited and hired. CBOT plans to submit the recruitment package for that position by March 15, 2022. CBOT reports In November 2021 a new Probation Monitor and Retired Annuitant (enforcement) were also hired.

CBOT reports that other position recruitment efforts will become a priority in 2022 and planned on hiring another Retired Annuitant in December 2021 to assist with re-classifying several positions and recruitment efforts to fill vacancies, however, the Retired Annuitant was unable to start working until late January 2022.

Staff Recommendation: *CBOT should update the Committees on its progress in filling its staff vacancies and completing its succession planning.*

Board Response:

Filling staff vacancies is a priority. In addition to the actions noted above, the Board:

- Submitted a recruitment package to DCA on March 9th to fill the Enforcement Manager position; the first round of interviews is scheduled April 19th.
- Submitted a recruitment package on March 18th to establish and fill an additional retired annuitant (RA) position to assist with updating or developing duty statements, preparing recruitment packages, screening applications, interviewing candidates, and on-boarding new employees. The final filing date was April 8th; however, the date was extended to April 15th due to too few eligible applicants.
- Submitted a recruitment package on March 21st to establish and fill an office assistant (OA) position on a permanent, full-time basis, to replace the part-time, permanent intermittent OA position that was previously paid with blanket funds. The final filing date was April 8th, and the first round of interviews will be scheduled in late April.

Additional recruitment packages are in progress, including:

- A package to fill an analyst position and establish and fill a manager position over the Licensing and Administration; the anticipated date of submission to DCA is April 15th.
- A package to fill the Board's cashier position; the anticipated date of submission to DCA is April 29th. (The submission date of this package and the remainder of the recruitment packages is subject to the hiring of the additional RA and availability of the current RA.)

Filling the Board's vacancies is a high priority, and the Board looks forward to filling positions on a staggered basis with most, if not all, vacant positions filled by July 1, 2022.

LICENSING ISSUES

ISSUE #3: OCCUPATIONAL THERAPY CORPORATIONS. Should the Moscone-Knox Professional Corporation Act be amended to allow OTs to form professional corporations?

Background: The Moscone-Knox Professional Corporation Act¹⁷ authorizes the formation of various healing arts professional corporations and establishes which healing arts licensees who are not of the same license type as the corporation may be shareholders, officers, and directors of that corporation. Any person licensed under the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act may be employed by these professional corporations. Current law specifies that OTs may serve as a non-controlling director, shareholder, officer, or employee of a physical therapy corporation, but does not authorize OTs to form OT corporations.

There is no clear policy reason for the limitation—the act went into law with a handful of corporation types and has been amended on a case-by-case basis over time. That said, if OTs are added, there may be additional changes for CBOT to consider on the regulatory and licensing side once new business and care delivery models are formed.

Staff Recommendation: *The Committees may wish to amend the Moscone-Knox Professional Corporation Act to allow OTs to form professional corporations and consider whether additional licensing or regulatory requirements are needed if so.*

Board Response:

The Board appreciates the Committee raising the issue of adding occupational therapy professional corporations to the Moscone Knox Act. Since the issue of adding OT corporations didn't appear to be a consumer protection issue, it not been discussed by the Board since AB 1000 allowed "any person licensed under Division 2" to be employed by any professional corporation listed in the Corporations Act.

Given the prevalence of occupational therapy private practices, occupational therapy corporations being absent from the Moscone Knox Act is not in alignment with on-going OT business models. The Board looks forward to discussing the addition of OT corporations at a future meeting and working with the associations to work toward the best possible outcome.

ISSUE #4: INDEPENDENT CONTRACTORS. Does the new test for determining employment status, as prescribed in the court decision *Dynamex Operations West Inc. v. Superior Court*, have any unresolved implications for CBOT licensees working as independent contractors?

Background: In the Spring of 2018, the California Supreme Court issued a decision in *Dynamex Operations West, Inc. v. Superior Court* (4 Cal.5th 903) that significantly changed the factors that determine whether a worker is legally an employee or an independent contractor. In a case involving the classification of delivery drivers, the California Supreme Court adopted a new test comprised of three elements:

- A. That the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact;
- B. That the worker performs work that is outside the usual course of the hiring entity's business; and
- C. That the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

The test, commonly referred to as the "ABC test," potentially reaches into numerous fields and industries utilizing workers previously believed to be independent contractors, including occupations regulated by entities under the DCA. In the following year, AB 5 (Gonzalez), Chapter 296, Statutes of 2019 codified the *Dynamex* ABC test while providing for clarifications and carve-outs for certain professions. Specifically, physicians and surgeons, dentists, podiatrists, psychologists, and veterinarians were among those professions that were allowed to continue operating under the previous framework for independent contractors. As a result, the new ABC test must be applied and interpreted for all non-exempted licensed professionals.

Staff Recommendation: *CBOT should inform the committees of any discussions it has had about the *Dynamex* decision and AB 5, and whether there is potential to impact the*

current landscape of the profession unless an exemption is provided.

Board Response:

The issue of AB 5 and the impact to the profession has not been discussed by the Board as the employee/employer relationship or contractor issue didn't appear to be a practice or a consumer protection issue. However, the prevalence of OTs who are independent contractors suggests the value of the Board discussing an exemption to the Labor Code for contracting OTs at a future Board meeting. If it is determined that an exemption from the Labor Code for contracting OTs is the direction the Board wants to go, the Board will work with stakeholders and notify the Committees before submitting any legislative proposals.

ISSUE #5: OTA WORKFORCE NEEDS. What steps has CBOT taken, or plans to take, related to the findings of the OTA workforce study discussed in its sunset report?

Background: In 2019, the California Community Colleges Centers of Excellence for Labor Market Research, in collaboration with CBOT, conducted a California OTA Workforce Needs Assessment. It was the only state-level survey specifically focused on the California Occupational Therapy Assistant (OTA) workforce. The survey generated information on the supply of OTAs in California that is needed to plan for well-prepared and well-educated OTAs in sufficient numbers to meet the healthcare needs of the state.

The survey provided insight into the demographic composition of OTAs in California, their education, licensure, job characteristics such as work tasks, scheduling, and compensation, and the future of the OTA profession, including retirement and potential policy changes.

Staff Recommendation: *CBOT should update the Committees on its use of the information generated by the survey and any steps it plans to take in response to the report.*

Board Response:

The Board was provided a draft of the Executive Summary of the California OTA Workforce Needs Assessment (WF Study) and the final report was made available to the Board in October 2021. The WF Study was included as an agenda item for discussion at the Board's November 2021 meeting. It was noted at that time that the information generated by the report could also serve as baseline content for a similar study for OTs in the future.

The Board plans to share the information with California's OTA programs in an effort to create a collaborative partnership where ideas are shared, and conversations of meaning are started. The demographic information, along with recent educational and employment statistics and retirement projections, will assist the Board with developing policy and doing its part to help ensure that is an adequate supply of OTAs to meet the needs of California's occupational therapy consumers.

The Board appreciates the California Community Colleges' Centers of Excellence for Labor Market Research and Health Workforce Initiative for their partnership in the study and all those involved for conducting the OTA Workforce Needs Assessment.

EDUCATION ISSUES

ISSUE #6: ADVANCED PRACTICE CERTIFICATES. Should advanced practice certificates continue to be required for new graduates, and should the certificates eventually be phased out?

Background: When CBOT was established in 2000, it was not clear if there were sufficient national minimum education standards relating to providing certain services, including hand therapy; physical agent modalities; use of topical medications; and swallowing assessment, evaluation, or intervention.

As a result, those services were established as advanced practice areas in statute. Currently, OTs are required to meet education and competency and CBOT approval to provide services in advanced practice areas. However, national educational standards have begun to include these services as part of the base curriculum. CBOT reports that it will revisit this issue to determine the necessity of these requirements for OT students graduating after a certain date.

In the meantime, the oversight and approval of advanced practice course providers generates workload, taking staff time and requiring a subject matter expert's review. However, providers do not pay a fee approval. As mentioned under Issue #1 CBOT is exploring the possibility of charging a fee for approval of the course. It is also considering requiring a subsequent renewal because providers have failed to notify CBOT of course content updates and any changes in instructors, requiring CBOT to perform an additional review.

Given that the additional advanced practice requirements may be duplicative of the base education provided in OT training programs, and the approval of providers generates workload, it may be worth phasing the requirement out.

Staff Recommendation: *CBOT should update the Committees on its review of the advanced practice requirements, including whether there are still consumer protection benefits and, if not, whether there is a potential timeline for phasing out the requirements.*

Board Response:

To ensure consumer protection without being a barrier to the profession, the Board has discussed the advanced practice requirements several times over the years. Different research studies have produced inconclusive evidence for the Board to take definitive action to eliminate or supplant the current advanced practice education and training hours requirements.

The Accreditation Council on Occupational Therapy Education (ACOTE), which accredits occupational therapy education programs, updated their standards (i.e., educational content and other requirements) in 2018, which went into effect July 31, 2020. The Board may find it useful to interview the OT schools, or partner with a university to do so, to glean their assessment of student competency in the areas of dysphagia, hand therapy and use of physical agent modalities (PAMs). It should be noted that ACOTE standards describe minimum educational content, but do not quantify the amount of time to be spent on the topics (e.g., number of hours spent vs. quarter-long or semester-long course); course delivery is left up to each individual program to determine how it will implement the standard.

If it is determined that educational institutions have equitable educational standards a discussion can ensue whether to continue the advanced practice education and training requirements for one or more of the advance practice areas or remove them for future graduates if they are being met universally. Consumer protection benefits can only be ensured if all OT educational programs meet minimum national educational standards and provide similar, minimum entry-level competency.

ENFORCEMENT ISSUES

ISSUE #7: ENFORCEMENT TIMELINES. What factors prevent CBOT from meeting its enforcement targets, and what can be done to address them?

Background: As noted on page 12 of this paper, there have been some instances where CBOT has not met its enforcement target timelines. Ideally, enforcement actions should be as expedient as possible. If a licensee is not practicing safely, appropriate action is needed to ensure the protection of the public. If a licensee has not committed or is at risk of committing any wrongdoing, they should be allowed to return to work as soon as possible. Further, drawn-out enforcement actions can be a drain on resources at licensing boards and other partnering agencies.

To help ensure that boards strive to resolve cases quickly, they establish target timelines. For cases not referred to the Office of the Attorney General (OAG) (PM3, no formal disciplinary action), CBOT's target is 270 days. CBOT did not meet this target in FY 2016-17 and was an average of 33 days over. In FY 2017-18, CBOT was an average of 26 days over its target.

For cases that are referred to the OAG (PM4, formal disciplinary action), CBOT's target is 540 days. It was not able to meet this target in FYs 2016-17 (an overage of 63 days over) and 2020-21 (an average of 84 days over). PM4 can be a difficult target to meet as formal discipline may involve wait times out of the board's control. They require a greater level of investigation and coordination with the OAG and potentially other agencies and states.

For FY 2016-17, CBOT had three cases that went over 1,200 days. CBOT reports that one case involved unprofessional conduct charges by a licensee that was residing and practicing in Oregon and Washington. From the point CBOT was advised of the incident until discipline was rendered by the two states, the matter took two years. In the second case, adjudication of a criminal conviction took 405 days with administrative adjudication taking 616 days. In the third case, a sworn investigation took 365 days with administrative adjudication taking 536 days.

For FY 2020-21, CBOT had three cases that took over three years from receipt of the complaint until discipline was rendered. One case took a total of 1,305 days which predominantly consisted of a sworn investigation that took 668 days. The other two cases taking 2,106 and 2,155 days respectively pertained to violations involving advanced practice services in hand therapy and physical agent modalities which required extensive records gathering and multiple reviews by an expert to render a decision on whether the practitioners deviated from standard practice.

While the complexity of certain cases and the involvement of other states appear to be contributors to the delays in PM4 cases there may still be ways to reduce timelines or identify potential areas of delay at the board, DCA's Division of Investigation, or the OAG. For PM3 cases, there may be factors that can help reduce delays in the boards' investigation, such as lack of knowledge on the part of licensees.

For example, Issue #3 from the prior sunset review discussed the fact that many of CBOT's violations result from involved ethical issues, documentation, supervision (or lack thereof), aiding and abetting unlicensed practice, and failing to follow procedural license requirements, such as failing to complete continuing competence requirements or provide a timely address change.

At the time, the committee staff recommendation was to explore modifying the applicant attestation to include a statement that the applicant has read the laws and regulations or exploring an ethics training requirement. Ensuring licensees are aware of ethical requirements, as well as the extent of CBOT's authority, may reduce the number of required investigations or improve licensee compliance with CBOT investigative requests. CBOT has reported that it is still reviewing this matter.

Staff Recommendation: *CBOT should discuss any factors that may contribute to enforcement or investigation delays, and whether any steps are being taken to address them, including the use of an ethics or jurisprudence tool or requirement.*

Typically, the Board does a good job managing its enforcement cases and meets or exceeds its performance measure targets. A few cases that were atypical or outliers caused the Board to occasionally exceed the expected target(s). The Board also identified an error in case assignment data reported in FY 2016-17 and the Board is working with DCA to get the data corrected and looks forward to a corresponding update in the PMs published on the DCA website.

A budget change proposal authorizing additional enforcement staff provided the resources necessary to investigate the cases. Three new staff were hired in January 2017 and one in March 2017. One new position was reclassified and filled at the staff services manager level to provide appropriate supervision and manage the Board's enforcement program. After on boarding and training the new staff, these additional resources resulted in corresponding improvements in timeframes in subsequent fiscal years.

Given the Board's fiscal situation and more recently, the staff vacancies, it did not seem prudent to spend the money or resources on adding additional requirements to the initial license application or renewal application processes (i.e., a jurisprudence exam).

Once the Board's fund condition issue is resolved, the Board looks forward to determining whether current staffing levels are sufficient given the increase in licensees and corresponding increase in complaints and associated workload as well as developing strategies to further educate applicants and licensees with the goal of reducing the violations committed. These strategies could include, among other things, requiring an attestation regarding reading and understanding the Board's laws and regulations, requiring an ethics course at license renewal, or developing a jurisprudence examination. We look forward to providing the Committees an

update on this issue in the future.

COVID-19 ISSUES & RESPONSE

ISSUE #8: COVID-19. Since March of 2020, the DCA has approved waivers through the Governor's executive orders, which affect licensees and future licensees alike. Do any of these waivers warrant an extension or statutory changes?

Background: In response to the COVID-19 pandemic, the Governor issued executive orders to address the immediate COVID-19 pandemic, including impacts on the state's healthcare workforce stemming from the virus. On, March 4, 2020, the Governor issued a State of Emergency declaration, as defined in Government Code § 8558, which immediately authorized the Director of the Emergency Medical Services Authority (EMSA) to allow licensed healthcare professionals from outside of California to practice in California without a California license. Under BPC § 900, licensed professionals are authorized to practice in California during a state of emergency declaration as long as they are licensed and have been deployed by the EMSA director.

Following that executive order, on March 30, 2020, the Governor issued Executive Order N-39-20 authorizing the DCA director to waive any statutory or regulatory professional licensing relating to healing arts during the duration of the COVID-19 pandemic, including rules relating to examination, education, experience, and training.

One of the waivers helped address Issue #12 from the prior sunset review, which raised issues related to CBOT's ability to webcast meetings due to limited DCA resources and obligations with other boards. Since the pandemic, all meetings have been conducted virtually over the internet on the WebEx platform making meetings more accessible to the public, eliminating the need to webcast. It would be helpful to see whether waivers such as this should be extended beyond the State of Emergency.

Staff Recommendation: *CBOT should advise the Committees on the use of the COVID-19 waivers and the ongoing necessity of the waivers.*

Board Response:

Currently there are no COVID-19 waivers in effect. The last waiver issued by DCA affecting licensees, including those whose licenses expired October 31, 2021, have until March 28, 2022, to complete their PDUs. The last waiver issued by DCA affecting limited permit holders, applied to those limited permits issued between August 1, 2021 – October 31, 2021, and extended them from three to six months (unless failing test result occurred before then).

Conducting meetings virtually is now accepted as common practice. Public access, participation, and input to meetings has increased through this platform and is also noted to have a cost savings effect. Hybrid models that include virtual and in-person meetings is an ongoing conversation within DCA. To date, we are unaware if there continues to be difficulties with applying for licensure, licensure examination, or training as current obligations appear to be more easily met as organizations and educational institutions have solidified a pandemic plan of action.

ISSUE #9: COVID-19 PROVIDER MENTAL HEALTH. Under ordinary circumstances, the work of healthcare providers is mentally and emotionally challenging. Are there new issues arising from or, or ongoing issues being worsened by, the extreme conditions of the COVID-19 pandemic?

Background: Throughout the COVID-19 pandemic, healthcare workers and first responders have been caring for COVID-19 patients through multiple deadly surges, including a record-shattering death toll in December of 2020. Even for those who do not directly treat COVID-19 patients, the events surrounding the pandemic, including lockdowns and isolation protocols have changed the landscape of care delivery.

The Centers for Disease Control notes that “[p]roviding care to others during the COVID-19 pandemic can lead to stress, anxiety, fear, and other strong emotions.... Experiencing or witnessing life-threatening or traumatic events impacts everyone differently. In some circumstances, the distress can be managed successfully to reduce associated negative health and behavioral outcomes. In other cases, some people may experience clinically significant distress or impairment, such as acute stress disorder, post-traumatic stress disorder (PTSD), or secondary traumatic stress (also known as vicarious traumatization). Compassion fatigue and burnout may also result from chronic workplace stress and exposure to traumatic events during the COVID-19 pandemic.”¹⁸

Healthcare workers are essential to the state of California. Given the length and the unique conditions of the COVID-19 pandemic, it may be beneficial to track trends and identify potential challenges and solutions in delivering mental health care and support for healthcare workers who have been under extreme physical and mental pressure since the start of the coronavirus pandemic.

Staff Recommendation: *CBOT should discuss any findings related to the mental and behavioral healthcare needs of frontline healthcare providers arising from the COVID-19 pandemic.*

Board Response:

The Board recognizes the impact on the mental and behavioral health needs of the OT practitioners (burnout, working overtime, holding multiple jobs, balancing the support of your clients, your family and yourself, loss of job and income due to vaccination status)

Despite being overworked and experiencing burnout, it doesn't appear there has been an increase in complaints due to services provided, documentation time or resource availability or other impacts due to COVID

Research has just begun on the impact of COVID to health care professionals and more specifically to occupational therapy practitioners. Once available, the Board looks forward to reviewing the research and findings in order to identify ways to better support the profession.

EDITS TO THE PRACTICE ACT

ISSUE #10: TECHNICAL EDITS. Are there technical changes to the Practice Act that may improve CBOT's operations?

Background: CBOT has suggested some technical changes to the Occupational Therapy Act in its report that may enhance or clarify the act or assist with consumer protection, including:

- A conforming change to the ability for OTs to supervise up to three OTAs at one time.
- An amendment acknowledging entry-level doctoral capstone experiences concerning supervised clinical practice.
- Other technical or conforming changes.

Staff Recommendation: *CBOT should continue to work with the Committees on potential changes.*

Board Response:

Given the Board's fiscal situation, the Board hopes the Committee would be supportive of establishing a Probation Monitoring fee to help offset the Board's costs associated with monitoring licensees placed on probation. This would reduce the costs passed onto the licensing population as a whole.

The Board also requests the ability to accept a surrender of a licensee in the absence of a legal pleading. New language could include the following:

2570.33

(a) Notwithstanding any other law, the board may, in its discretion, accept the surrender of a license through a stipulated agreement in the absence of a pleading when the ability of an occupational therapist or occupational therapy assistant to practice safely is impaired due to mental or physical illness.

(b) Until the time that the licensee signs the stipulated agreement for license surrender, the licensee may elect to have the disciplinary process conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The stipulated agreement in this alternative proceeding shall specify that:

(1) The license surrender shall be public information and shall be considered a disciplinary action.

(2) The licensee may petition the board for reinstatement after a period of not less than one year after the effective date of the decision.

(3) Any reinstatement proceeding shall be conducted pursuant to Section 2570.32.

(4) Upon seeking reinstatement, it is the responsibility of the former licensee to submit evidence of the ability to safely and competently practice occupational therapy.

CONTINUED REGULATION OF THE PROFESSION

ISSUE #11: SUNSET EXTENSION. Should the current CBOT be continued and continue regulating the practice of occupational therapy?

Background: A review of the issues raised since the last review demonstrates that CBOT continues to protect the public and that it works towards improving its operations. However, there are still issues that need to be addressed, including its current budget deficit, its enforcement timelines and high prevalence of ethical and other non-practice-related violations, and the question of its advanced practice certification requirements.

Staff Recommendation: *CBOT's current regulation of occupational therapy should be continued and reviewed again on a future date to be determined.*

Board Response:

The California Board of Occupational Therapy is privileged to regulate the profession of occupational therapy by serving and protecting California's consumers of OT services through effective regulation, licensure, and enforcement. We will continue to do so in hopes supporting, educating, and protecting all stakeholders of our services.

The Board appreciates the Committee staff suggestions and the recognition of the Board's role in protecting the public.

UPDATE ON 2016 SUNSET REVIEW ISSUES

SECTION 11 OF SUNSET REPORT

ISSUE #4: Are there duplicative requirements for out-of-state and military applicants that can be streamlined?

Additional Information

The Board acknowledges there are duplicative requirements for out-of-state licensed and military applicants for licensure and that the processing times for organizations to provide documentation varies widely. The Board obtains primary source verification of applicant documentation, due in part to the fact that the Board completes a form for several different entities, attesting to primary source documentation verification.

While the Board does not have true reciprocity with other state licensing boards it does utilize the same educational and examination requirements as every other state. A significant apparent difference among the states is requiring the applicant to submit to a background check. The issue of an applicant submitting documents to multiple states may be addressed with the implementation of the (national) Occupational Therapy Licensure Compact (Compact). The states passing legislation to join the Compact, known as member states, will provide flexibility and reduce the number of times documentation must be submitted to multiple jurisdictions for licensees who practice in a member state. Further information, including state requirements, applicant requirements, and fees charged are still being developed.

All licensing programs under DCA expedite the licensure/registration process for any applicant that was honorably discharged from the Armed Forces and military spouses/domestic partners. Although this requirement does not mean that a license/registration must be issued, it can reduce the processing times of the review of an application and, if appropriate, the issuance of a license from 4 weeks to 2 weeks as long as the applicant has provided the required documentation.

ISSUE #5: Should the CBOT approve post-professional education courses?

Additional Information

The Board did not follow up on the 'Fee Bill Worksheet' after the last Sunset Report as the Board had promulgated regulations increasing renewal fees in 2017 and 2021. However, due to the Board's current fund condition and the costs related to review the courses, the Board is evaluating the possibility of charging a fee for the application submitted by the OTs seeking approval to provide advance practice (AP) services.

The Board doesn't believe charging an application fee to course provider, or a fee to review the courses, is a viable revenue stream. Advanced practice requirements are California-specific, and it is not likely that a provider would willingly pay a fee when most states don't require OTs demonstrate competence prior to providing services in these practice areas. The Board will continue to explore potential revenue streams to bolster the Board's fund condition, including consideration of charging a fee for each Advance Practice Application for Approval a licensee submits.

Below are a few fee scenarios that display a potential revenue that could offset the Board costs incurred for AP course review.

	FY 2019-2020	FY 2020-2021
	Estimated Revenue (Based on 250 Applications Received)	Estimated Revenue (Based on 218 Applications Received)
\$100 application fee	\$25,000	\$21,800
\$150 application fee	\$37,500	\$32,700
\$200 application fee	\$50,000	\$43,600

ISSUE #7: *What has the CBOT discovered about current workforce trends since implementing its workforce survey?*

Additional Information

The Board was unable to run reports to retrieve demographic information due to limitations in BreEZe functionality; information provided by applicants and renewing licensees was 'collected' but there was no way to extract it. Therefore, the Board was unable to use the information to identify workforce trends, retirement projections, etc.

DCA implemented the Quality Business Interactive Reporting Tool (QBIRT) which provided a way to request reports and sort data. Unfortunately, QBIRT reports didn't apply to the responses to the Board's questions and data collection. Last year the Board submitted a ticket to DCA requesting OIS staff develop a report to extract the demographic information from the Board's survey, which was based on data the Office of Statewide Health Planning and Development (OSHPD) required specified boards to collect and report to them.

The OSHPD was recently renamed the Department of Health Care Access and Information (HCAI) and the collection of specific information is now required of all healthcare boards. As a result of the expanded data collection and reporting requirements, DCA is implementing an update in BreEZe for all healthcare boards in July 2022. The new update will collect the data specified by HCAI; the questions will replace the Board's current questions. Thus, the Board cancelled the request for development of a new report and looks forward to new data collection points and reporting capabilities in BreEZe after the July 2022 release.

AGENDA ITEM 7

CONSIDERATION AND POSSIBLE RECOMMENDATION TO THE BOARD ON LEGISLATIVE PROPOSALS TO INCLUDE IN THE BOARD'S 2026 SUNSET REPORT, INCLUDING AMENDMENTS TO BUSINESS AND PROFESSIONS CODE 2570.16 TO MAKE SEPARATE AND INCREASE THE RENEWAL FEES FOR BOTH OCCUPATIONAL THERAPIST AND OCCUPATIONAL THERAPY ASSISTANT LICENSES.

INCLUDES THE FOLLOWING:

- 7.1 ASSEMBLY COMMITTEE ON BUSINESS & PROFESSIONS FEE BACKGROUND INFORMATION QUESTIONNAIRE.

Assembly Committee on Business & Professions Fee Background Information Questionnaire

Bill No: _____ Author: _____ Date: _____

The following questions and information are required in determining whether the fee proposal is necessary. The completed form must be submitted to the Committee (electronically and two printed copies) for inclusion with the Committee analysis. Attach any additional information that you feel is required to support this request.

Request Type: ☐ Establish a New Fee ☐ Change an Existing Fee Rate

Fee Type: ☐ Annual ☐ One-time ☐ Other (Specify) _____

Fee Name:

Current Fee Rate & Fee Authority (include Code section references):

Proposed/New Fee Rate:

Proposed Effective Date:

Individuals/Entities to be Assessed the Fee:

1. Is there a projected deficit?

If yes:

a. What is the estimated amount of the deficit?

b. In what fiscal year will the deficit occur?

2. What is the cause of the deficit?

a. Is it an ongoing problem (e.g., annual increase in expenditures and stable revenues, or a decrease in revenues resulting from a decline in the number of licensees or units) or

b. Is it a one-time problem (e.g., a major lawsuit filed against the agency)?

3. Provide fund condition statements displaying five years of actual and five years of projected expenditures and revenues with (a) current statutory maximum fee amounts and (b) proposed statutory maximum fee amounts.

4. Provide a schedule of fee revenue by various fee "categories" displaying five years of actual and five years of projected revenue based on (a) current fees and (b) proposed fees. This schedule should display the workload (e.g., number of licensees) and fee charged per category.
5. Provide a schedule displaying two years of expenditures by program component, such as application review, examination, enforcement, administration, and other regulatory activities, for each fee category, such as professional engineers and land surveyors.
 - a. The issue is: Are specific fee categories subsidizing the expenditures of other categories (e.g., examination costs are subsidized by license renewals, embalmers are subsidizing the licensing and regulation of funeral directors)?
6. Provide a table of comparison of existing and proposed fees which includes the percentage by which the fee will change.
7. Provide the history for the past 10 years of legislative fee increase authorizations.
8. With respect to the additional revenue generated by the proposed fee increase, provide explanation regarding the following:
 - a. Addition of new function?
 - b. Expansion of existing function?
 - c. Reduction or elimination of an existing function?
 - d. Redirection of existing resources?
9. Summarize in narrative form the rationale and justification for the proposed changes. Include the reason why the current levels of service can or cannot be continued under the existing fee schedule.

Requestor/Contact Information:

AGENDA ITEM 8

REVIEW AND POSSIBLE RECOMMENDATION TO THE BOARD TO APPROVE COMPLETED PORTIONS OF THE DRAFT 2026 SUNSET REPORT.

INCLUDES THE FOLLOWING:

- 8.1 2026 HEARING DATE SUNSET REVIEW QUESTIONS.
- 8.2 SECTION 1 DRAFT – BACKGROUND AND DESCRIPTION OF THE BOARD AND REGULATED PROFESSIONS.
- 8.3 SECTION 3 DRAFT – LICENSING PROGRAM.

[PROGRAM NAME]
BACKGROUND INFORMATION AND OVERVIEW OF
THE CURRENT REGULATORY PROGRAM
As of [DATE]

Section 1 –

Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.¹ Describe the occupations/professions that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).²

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

Table 1a. Attendance			
[NAME]			
Date Appointed: [DATE]			
Meeting Type	Meeting Date	Meeting Location	Attended?

¹ The term "board" in this document refers to a board, bureau, commission, committee, council, department, division, program, or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

² The term "license" in this document includes a license, certificate, permit or registration.

Table 1b. Board/Committee Member Roster

[illegible]

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?
3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:
 - Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)
 - All legislation sponsored by the board and affecting the board since the last sunset review.
 - All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.
4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).
5. List the status of all national associations to which the board belongs.
 - Does the board's membership include voting privileges?

- List committees, workshops, working groups, task forces, etc., on which the board participates.
- How many meetings did board representative(s) attend? When and where?
- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

Section 2 – Fiscal and Staff

Fiscal Issues

6. Is the board's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.
7. Using *Table 2. Fund Condition*, describe the board's current reserve level, spending, and if a statutory reserve level exists.

Table 2. Fund Condition	(list dollars in thousands)					
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	FY 2025/26	FY 2026/27
Beginning Balance						
Revenues and Transfers						
Total Resources						
Budget Authority						
Expenditures						
Loans to General Fund						
Accrued Interest, Loans to General Fund						
Loans Repaid From General Fund						
Fund Balance						
Months in Reserve						

8. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.
9. Using *Table 2, Fund Condition*, describe year over year expenditure fluctuations and the cause for the fluctuations.
10. Using *Table 3, Expenditures by Program Component*, describe the amounts and percentages of expenditures by program component, including the cause of fluctuations aside from increasing personnel costs. Provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3. Expenditures by Program Component								(list dollars in thousands)
	FY 2021/22		FY 2022/23		FY 2023/24		FY 2024/25	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement								
Examination								
Licensing								
Administration *								
DCA Pro Rata								
Diversion (if applicable)								
TOTALS								
* Administration includes costs for executive staff, board, administrative support, and fiscal services.								

11. Describe the amount the board has spent on business modernization, including contributions to the BreEZe program, which should be described separately.

12. Describe license renewal cycles and the history of fee changes over the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citations) for each fee charged by the board.

Table 4. Fee Schedule and Revenue							(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2021/22 Revenue	FY 2022/23 Revenue	FY 2023/24 Revenue	FY 2024/25 Revenue	% of Total Revenue

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

Staffing Issues

14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

15. Describe the board's staff development efforts and total spent annually on staff development. (cf., Section 12, Attachment D).

Section 3 – Licensing Program

Table 6. Licensee Population

		FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
	Active ³				
	Out of State				
	Out of Country				
	Delinquent/Expired				
	Retired Status <i>if applicable</i>				
	Inactive				
	Other ⁴				
	Active				
	Out of State				
	Out of Country				
	Delinquent/Expired				
	Retired Status <i>if applicable</i>				
	Inactive				
	Other				

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

16. What are the board's performance targets/expectations for its licensing⁵ program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

17. Using Table 7a, **Licensing Data by Type**, describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

³ Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

⁴ Other is defined as a status type that does not allow practice in California, other than retired or inactive.

Table 7a. Licensing Data by Type										
		Received	Approved /Issued	Closed	Pending Applications			Application Process Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps*	Incomplete Apps*	Total (Close of FY))
FY 2021/22	(Exam)									
	(License)									
	(Renewal)									
FY 2022/23	(Exam)									
	(License)									
	(Renewal)									
FY 2023/24	(Exam)									
	(License)									
	(Renewal)									
FY 2024/25	(Exam)									
	(License)									
	(Renewal)									
* Optional. List if tracked by the board.										

Table 7b. License Denial				
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
License Applications Denied (no hearing requested)				
SOIs Filed				
Average Days to File SOI (from request for hearing to SOI filed)				
SOIs Declined				
SOIs Withdrawn				
SOIs Dismissed (license granted)				
License Issued with Probation / Probationary License Issued				
Average Days to Complete (from SOI filing to outcome)				

18. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

19. How does the board verify information provided by the applicant?

- What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?

- Does the board fingerprint all applicants?
- Have all current licensees been fingerprinted? If not, explain.
- Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?
- Does the board require primary source documentation?
- Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

21. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

- How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?
- How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?
- How many applications has the board expedited pursuant to BPC § 115.5?

Examinations

22. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

23. What are pass rates for first time vs. retakes in the past 4 fiscal years? Please include pass rates for **all** examinations offered, including examinations offered in a language other than English. Include a separate data table for each language offered.

Table 8(a). Examination Data ⁶				
California Examination				
License Type				
Exam Title				
FY 2021/22	Number of Candidates			
	Overall Pass %			
	Overall Fail %			
FY 2022/23	Number of Candidates			
	Overall Pass %			
	Overall Fail %			
FY 2023/24	Number of Candidates			
	Overall Pass %			
	Overall Fail %			
FY 2024/25	Number of Candidates			
	Overall Pass %			
	Overall Fail %			
Date of Last OA				
Name of OA Developer				
Target OA Date				

Table 8(b). National Examination.				
License Type				
Exam Title				
FY 2021/22	Number of Candidates			
	Overall Pass %			
	Overall Fail %			
FY 2022/23	Number of Candidates			
	Overall Pass %			
	Overall Fail %			
FY 2023/24	Number of Candidates			
	Overall Pass %			
	Overall Fail %			
	Number of Candidates			

⁶ This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to cover all exams for all license types.

FY 2024/25	Overall Pass %			
	Overall Fail %			
	Date of Last OA			
	Name of OA Developer			
	Target OA Date			

24. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?
25. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe. Has the Board approved any amendments, or is the Board considering amendments to address the hindrances presented by these statutes?
26. When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?

School Approvals

27. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?
28. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?
29. What are the board's legal requirements regarding approval of international schools?

Continuing Education/Competency Requirements

30. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited

- How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?
- Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.
- What are consequences for failing a CE audit?
- How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?
- Who approves CE courses? What is the board's course approval policy?
- Who approves CE providers? If the board approves them, what is the board's application review process?
- How many applications for CE providers and CE courses were received? How many were approved?
- Does the board audit CE providers? If so, describe the board's policy and process.
- Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

Section 4 – Enforcement Program

31. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
32. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Table 9. Enforcement Statistics				
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
COMPLAINTS				
Intake				
Received				
Closed without Referral for Investigation				
Referred to INV				
Pending (close of FY)				
Conviction / Arrest				
CONV Received				
CONV Closed Without Referral for Investigation				
CONV Referred to INV				
CONV Pending (close of FY)				
Source of Complaint ⁷				
Public				
Licensee/Professional Groups				
Governmental Agencies				
Internal				
Other				
Anonymous				
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)				
Average Time to Closure (from receipt of complaint / conviction to closure at intake)				
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)				
INVESTIGATION				
Desk Investigations				
Opened				
Closed				
Average days to close (from assignment to investigation closure)				
Pending (close of FY)				
Non-Sworn Investigation				

⁷ Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

Opened				
Closed				
Average days to close (from assignment to investigation closure)				
Pending (close of FY)				
Sworn Investigation				
Opened				
Closed				
Average days to close (from assignment to investigation closure)				
Pending (close of FY)				
All investigations ⁸				
Opened				
Closed				
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)				
Average days for investigation closures (from start investigation to investigation closure)				
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)				
Average days from receipt of complaint to investigation closure				
Pending (close of FY)				
CITATION AND FINE				
Citations Issued				
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)				
Amount of Fines Assessed				
Amount of Fines Reduced, Withdrawn, Dismissed				
Amount Collected				
CRIMINAL ACTION				
Referred for Criminal Prosecution				
ACCUSATION				
Accusations Filed				
Accusations Declined				
Accusations Withdrawn				
Accusations Dismissed				
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)				
INTERIM ACTION				
ISO & TRO Issued				
PC 23 Orders Issued				
Other Suspension/Restriction Orders Issued				
Referred for Diversion				
Petition to Compel Examination Ordered				
DISCIPLINE				
AG Cases Initiated (cases referred to the AG in that year)				
AG Cases Pending Pre-Accusation (close of FY)				
AG Cases Pending Post-Accusation (close of FY)				
DISCIPLINARY OUTCOMES				
Revocation				

⁸ The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

Surrender				
Suspension only				
Probation with Suspension				
Probation only				
Public Reprimand / Public Reprimand / Public Letter of Reprimand				
Other				
DISCIPLINARY ACTIONS				
Proposed Decision				
Default Decision				
Stipulations				
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)				
Average Days from Closure of Investigation to Imposing Formal Discipline				
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)				
PROBATION				
Probations Completed				
Probationers Pending (close of FY)				
Probationers Tolled *				
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed				
SUBSEQUENT DISCIPLINE⁹				
Probations Revoked				
Probationers License Surrendered				
Additional Probation Only				
Suspension Only Added				
Other Conditions Added Only				
Other Probation Outcome				
SUBSTANCE ABUSING LICENSEES **				
Probationers Subject to Drug Testing				
Drug Tests Ordered				
Positive Drug Tests				
PETITIONS				
Petition for Termination or Modification Granted				
Petition for Termination or Modification Denied				
Petition for Reinstatement Granted				
Petition for Reinstatement Denied				
DIVERSION **				
New Participants				
Successful Completions				
Participants (close of FY)				
Terminations				
Terminations for Public Threat				
Drug Tests Ordered				
Positive Drug Tests				

⁹ Do not include these numbers in the Disciplinary Outcomes section above.

Table 10. Enforcement Aging						
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	Cases Closed	Average %
Investigations (Average %)						
Closed Within:						
90 Days						
91 - 180 Days						
181 - 1 Year						
1 - 2 Years						
2 - 3 Years						
Over 3 Years						
Total Investigation Cases Closed						
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year						
1 - 2 Years						
2 - 3 Years						
3 - 4 Years						
Over 4 Years						
Total Attorney General Cases Closed						

33. What do overall statistics show as to increases or decreases in disciplinary action since last review?

34. How are cases prioritized? What is the board's compliant prioritization policy?

- Please provide a brief summary of the Board's formal disciplinary process.

35. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

- What is the dollar threshold for settlement reports received by the board?
- What is the average dollar amount of settlements reported to the board?

36. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

- What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
- What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
- What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

37. Does the board operate with a statute of limitations? If so, please describe and provide the citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

38. Describe the board's efforts to address unlicensed activity and the underground economy.

Cite and Fine

39. Discuss the extent to which the board utilizes cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit? Does the board have authority to issue fines greater than \$5,000? If so, under what circumstances?

40. How is cite and fine used? What types of violations are the basis for citation and fine?

41. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

42. What are the five most common violations for which citations are issued?

43. What is average fine pre- and post- appeal?

44. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines. If the board does not use Franchise Tax Board intercepts, describe the rationale behind that decision and steps the board has taken to increase its collection rate.

Cost Recovery and Restitution

45. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.
46. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.
47. Are there cases for which the board does not seek cost recovery? Why?
48. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery. If the board does not use Franchise Tax Board intercepts, describe methods the board uses to collect cost recovery.

Table 11. Cost Recovery¹⁰ (list dollars in thousands)				
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
Total Enforcement Expenditures				
Potential Cases for Recovery *				
Cases Recovery Ordered				
Amount of Cost Recovery Ordered				
Amount Collected				

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

49. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

Table 12. Restitution (list dollars in thousands)				
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
Amount Ordered	\$	\$	\$	\$
Amount Collected	\$	\$	\$	\$

¹⁰ Cost recovery may include information from prior fiscal years.

Section 5 – Public Information Policies

50. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board's website? When are draft-meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?
51. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long will archived webcast meetings remain available online?
52. Does the board establish an annual meeting calendar and post it on the board's web site?
53. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*?
- Does the board post accusations and disciplinary actions consistent with BPC § 27, if applicable?
 - Does the board post complaint date on its website? If so, please provide a brief description of each data point reported on the website along with any statutory or regulatory authorization.
54. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?
55. What methods does the board use to provide consumer outreach and education?

Section 6 – Online Practice Issues

56. Discuss the prevalence of online practice and whether there are issues with unlicensed activity.
- How does the board regulate online/internet practice?
 - How does the board regulate online/internet business practices outside of California?

- Does the Board need statutory authority or statutory clarification to more effectively regulate online practice, if applicable?

Section 7 – Workforce Development and Job Creation

57. What actions has the board taken in terms of workforce development?
58. Describe any assessment the board has conducted on the impact of licensing delays.
59. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.
60. Describe any barriers to licensure and/or employment the board believes exist.
61. Provide any workforce development data collected by the board, such as:
- a. Workforce shortages
 - b. Successful training programs.
62. What actions has the board taken to help reduce or eliminate inequities experienced by vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or otherwise avoid harming those communities?

Section 8 – Current Issues

63. Describe how the board is participating in development of online application and payment capability and any other secondary IT issues affecting the board.
- Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?
 - If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? Is the board currently using a bridge or workaround system?

Section 9 – Board Action and Response to Prior Sunset Issues

Include the following:

- Background information concerning the issue as it pertains to the board.
- Short discussion of recommendations made by the Committees during prior sunset review.
- What action the board took in response to the recommendation or findings made under prior sunset review.
- Any recommendations the board has for dealing with the issue, if appropriate.

Section 10 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, and legislative changes) for each of the following:

- Issues raised under prior Sunset Review that have not been addressed.
- New issues identified by the board in this report.
- New issues not previously discussed in this report.
- New issues raised by the Committees.

Section 11 – Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).

- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

Section 1 –

Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.¹ Describe the occupations/professions that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

The occupational therapy profession was established in 1917 and is one of the oldest allied health professions in the United States.

California passed a title control/trademark law for occupational therapy in 1977, establishing Business and Professions Code (BPC), Section 2570, prohibiting individuals from using the professional titles recognized for Occupational Therapists (OT, OTR) and Occupational Therapy Assistants (OTA, COTA) without appropriate professional training/education. The law was updated in 1993 to further clarify the minimum education and examination requirements for practicing occupational therapists and occupational therapy assistants. The law had no registration process with the state or enforcement structure, nor did it prevent an unqualified individual from practicing occupational therapy if the individual did not refer to themselves as an occupational therapist or occupational therapy assistant.

Senate Bill 1046 (Murray, Chapter 697, Statutes of 2000) created the California Board of Occupational Therapy, effective January 1, 2001. The Board is responsible for the licensure and regulation of Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs) in California. The Board's mission is to regulate occupational therapy by serving and protecting California's consumers of occupational therapy services through effective regulation, licensure, and enforcement.

Over the years, there have been amendments to the Board's laws and regulations that have enhanced the Board's ability to protect the consumer, such as development of the Board's Disciplinary Guidelines and adding Citation and Fine authority. To further bolster the regulation of the profession, the Board established supervision requirements, advanced practice education and practice requirements, minimum standards for infection control, and continuing education/competency requirements.

Business and Professions Code (BPC) Section 2570.25 mandates that "protection of the public shall be the highest priority for the California Board of Occupational Therapy in exercising its licensing, regulatory, and disciplinary functions."

To accomplish its mission, the Board:

- Ensures only eligible and qualified individuals are issued a license
- Investigates complaints and criminal convictions; and
- Responds to emerging changes and trends in the profession through legislative or regulatory amendments.

The Board's statutes require individuals, with a few exceptions, engaging in the practice of occupational therapy to possess a license.

¹ The term "board" in this document refers to a board, bureau, commission, committee, council, department, division, program, or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

A thorough description of the Board's committees, their make-up, and procedures can be found in Chapters 6 and 7 the Board's Board Member Guidelines and Procedures Manual (Attachment A). A current listing of members of each of the Board's standing and ad hoc committees can be found in Attachment B.

The Board has no committee(s) specified in statute. However, the Board has established four standing committees which serve as an essential component to help the Board address specific policy and/or administrative issues. These issues may be referred to committee by the Board to delve into a specific policy issue, to address the concerns of the public or licensees, or on the recommendation of Board staff.

Each committee must be chaired by a member of the Board who will oversee the meetings and work with the Board's Executive Officer to develop meeting agendas and materials. No Board member may serve on more than 2 committees concurrently and committee member terms are 2 years with a maximum of two full, consecutive terms.

Board members serving on committees are entitled to per diem for committee meeting attendance and preparation as well as travel expense reimbursement. Committee members that do not also serve on the Board are entitled to travel expense reimbursement but shall not otherwise be compensated for meeting attendance and preparation.

The Board may also establish ad hoc committees as needed for the Board and its standing committees.

The Board's four standing committees, all of which are subject to the requirements of the Open Meetings Act (with the exception of the Administrative Committee), are as follows:

Administrative Committee

Provides guidance to staff for the budgeting and operational issues of the Board, provides suggestions regarding the Board's Strategic Plan, reviews legislative position letters on behalf of the Board for approval and submission, and performs other administrative duties as required.

**Members of this committee are not subject to the term limits specified above.*

Education and Outreach Committee

Develops consumer and licensee outreach projects, including the Board's newsletter, website, e-government initiatives, and outside organization presentations. Committee members may be asked to represent the Board at meetings, conferences, health, career or job fairs, or at the invitation of outside organizations and programs.

Legislative and Regulatory Affairs Committee

Provides information and/or makes recommendations to the Board and committees on matters relating to legislation and regulations.

Practice Committee

Reviews and provides recommended responses to the Board on various practice issues/questions submitted by licensees and consumers, provides guidance to staff on continuing competency audits, reviews and provides recommendations to the Board on practice-related proposed regulatory amendments, and reviews and provides recommendations to Board staff on revisions to various applications and forms used by the Board.

Appointment Date includes date first appointed and most recent reappointment date, if applicable.

Table 1.a.1 Attendance

Richard Bookwalter

Appointed: 3/5/2014, 5/4/2021

Meeting Type	Meeting Date	Meeting Location	Attended?
Ad Hoc Sunset Committee	9/1/2021	Virtual	YES
Board Meeting	9/13/2021	Virtual	YES
Ad Hoc Sunset Committee	10/14/2021	Virtual	YES
Board Meeting	10/21/2021	Virtual	YES
Board Meeting	11/4/2021	Virtual	YES
Board Meeting	11/5/2021	Virtual	YES
Ad Hoc Sunset Committee	11/16/2021	Virtual	YES
Board Meeting	12/1/2021	Virtual	YES
Board Meeting	2/15/2022	Virtual	YES
Board Meeting	5/19/2022	Carson, CA	YES
Board Meeting	5/20/2022	Carson, CA	YES
Board Meeting	7/27/2022	Virtual	YES
Board Meeting	8/18/2022	Virtual	YES
Board Meeting	8/19/2022	Virtual	YES
Board Meeting	11/3/2022	San Marcos, CA	YES
Board Meeting	11/4/2022	San Marcos, CA	YES
Board Meeting	12/14/2022	Virtual	YES
Board Meeting	2/9/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	2/10/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	4/13/2023	Virtual	YES
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	YES
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Practice Committee	10/13/2023	Virtual	YES
Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Practice Committee	12/8/2023	Virtual	YES
Board Meeting	12/13/2023	Virtual	YES
Ad Hoc DPR Committee	2/8/2024	San Marcos, CA	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Practice Committee	3/1/2024	Virtual	YES
Leg Reg Affairs Committee	3/13/2024	Virtual	YES
Ad Hoc DPR Committee	4/10/2024	Virtual	YES
Leg Reg Affairs Committee	4/24/2024	Virtual	YES
Ad Hoc DPR Committee	4/29/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Practice Committee	6/21/2024	Virtual	YES

Practice Committee	8/2/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Practice Committee	10/11/2024	Virtual	YES
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	YES
Ad Hoc DPR Committee	1/15/2025	Virtual	YES
Board Meeting	1/24/2025	Sacramento, CA	YES
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES
Ad Hoc DPR Committee	4/16/2025	Virtual	YES
Practice Committee	4/25/2025	Virtual	YES
Board Meeting	5/23/2025	Virtual	YES

*Attendance prior to Fiscal Year 21/22 reported in the last Sunset Review.

Table 1.a.2 Attendance

Hector Cabrera

Appointed: 5/6/2022

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/18/2022	Virtual	NO
Board Meeting	8/19/2022	Virtual	NO
Board Meeting	11/3/2022	San Marcos, CA	YES
Board Meeting	11/4/2022	San Marcos, CA	YES
Board Meeting	12/14/2022	Virtual	YES
Board Meeting	2/9/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	2/10/2023	Sacramento, CA (Hybrid)	NO
Board Meeting	4/13/2023	Virtual	YES
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	YES
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Ad Hoc Non-Licensee Comm.	10/12/2023	Virtual	NO
Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Board Meeting	12/13/2023	Virtual	YES
Ad Hoc DPR Committee	2/8/2024	San Marcos, CA	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Ad Hoc DPR Committee	4/10/2024	Virtual	YES
Ad Hoc DPR Committee	4/29/2024	Virtual	NO

Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Ad Hoc Non-Licensee Comm.	8/5/2024	Virtual	NO
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	NO
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	NO
Board Meeting	11/14/2024	San Rafael, CA	NO
Board Meeting	11/15/2024	San Rafael, CA	NO
Board Meeting	12/13/2024	Sacramento, CA	YES
Ad Hoc DPR Committee	1/15/2025	Virtual	YES
Board Meeting	1/24/2025	Sacramento, CA	NO
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES
Ad Hoc DPR Committee	4/16/2025	Virtual	YES
Board Meeting	5/23/2025	Virtual	YES

Table 1.a.3 Attendance

Lynna Do

Appointed: 7/25/2020, 1/16/2025

Meeting Type	Meeting Date	Meeting Location	Attended?
Fieldwork Comm. Workgroup	7/26/2021	Virtual	YES
Fieldwork Comm. Workgroup	8/9/2021	Virtual	YES
Board Meeting	9/13/2021	Virtual	YES
Board Meeting	10/21/2021	Virtual	YES
Board Meeting	11/4/2021	Virtual	YES
Board Meeting	11/5/2021	Virtual	YES
Board Meeting	12/1/2021	Virtual	YES
Board Meeting	2/15/2022	Virtual	YES
Board Meeting	5/19/2022	Carson, CA	YES
Board Meeting	5/20/2022	Carson, CA	YES
Board Meeting	7/27/2022	Virtual	YES
Board Meeting	8/18/2022	Virtual	YES
Board Meeting	8/19/2022	Virtual	YES
Board Meeting	11/3/2022	San Marcos, CA	NO
Board Meeting	11/4/2022	San Marcos, CA	NO
Board Meeting	12/14/2022	Virtual	YES
Board Meeting	2/9/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	2/10/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	4/13/2023	Virtual	NO
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	YES
Board Meeting	8/24/2023	Oakland, CA	YES

Board Meeting	8/25/2023	Oakland, CA	YES
Practice Committee	10/13/2023	Virtual	NO
Board Meeting	11/2/2023	Glendale, CA	NO
Board Meeting	11/3/2023	Glendale, CA	NO
Practice Committee	12/8/2023	Virtual	NO
Board Meeting	12/13/2023	Virtual	YES
Ad Hoc Budget Committee	12/18/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Practice Committee	3/1/2024	Virtual	NO
Leg Reg Affairs Committee	3/13/2024	Virtual	YES
Leg Reg Affairs Committee	4/24/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Practice Committee	6/21/2024	Virtual	NO
Practice Committee	8/2/2024	Virtual	NO
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	NO
Practice Committee	10/11/2024	Virtual	NO
Board Meeting	11/14/2024	San Rafael, CA	NO
Board Meeting	11/15/2024	San Rafael, CA	NO
Board Meeting	12/13/2024	Sacramento, CA	YES
Board Meeting	1/24/2025	Sacramento, CA	YES
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES

*Attendance prior to Fiscal Year 21/22 reported in the last Sunset Review.

*Resigned on March 13, 2025.

Table 1.a.4 Attendance

Jeff Ferro

Appointed: 1/30/2014, 12/11/2017

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/13/2021	Virtual	YES
Board Meeting	10/21/2021	Virtual	YES
Board Meeting	11/4/2021	Virtual	YES
Board Meeting	11/5/2021	Virtual	YES
Board Meeting	12/1/2021	Virtual	YES

*Attendance prior to Fiscal Year 21/22 reported in the last Sunset Review.

Table 1.a.5 Attendance

Denise Miller

Appointed: 5/15/2013, 1/22/2021

Meeting Type	Meeting Date	Meeting Location	Attended?
Fieldwork Comm. Workgroup	7/26/2021	Virtual	YES
Fieldwork Comm. Workgroup	8/9/2021	Virtual	YES
Ad Hoc Sunset Committee	9/1/2021	Virtual	YES
Board Meeting	9/13/2021	Virtual	YES
Ad Hoc Sunset Committee	10/14/2021	Virtual	YES
Board Meeting	10/21/2021	Virtual	YES
Board Meeting	11/4/2021	Virtual	YES
Board Meeting	11/5/2021	Virtual	YES
Ad Hoc Sunset Committee	11/16/2021	Virtual	YES
Board Meeting	12/1/2021	Virtual	YES
Board Meeting	2/15/2022	Virtual	YES
Board Meeting	5/19/2022	Carson, CA	YES
Board Meeting	5/20/2022	Carson, CA	YES
Board Meeting	7/27/2022	Virtual	YES
Board Meeting	8/18/2022	Virtual	YES
Board Meeting	8/19/2022	Virtual	YES
Board Meeting	11/3/2022	San Marcos, CA	YES
Board Meeting	11/4/2022	San Marcos, CA	YES
Board Meeting	12/14/2022	Virtual	YES
Board Meeting	2/9/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	2/10/2023	Sacramento, CA (Hybrid)	YES
Administrative Committee	3/22/2023	Virtual	YES
Board Meeting	4/13/2023	Virtual	YES
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	YES
Administrative Committee	8/18/2023	Burbank, CA	YES
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Administrative Committee	9/29/2023	Burbank, CA	YES
Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Board Meeting	12/13/2023	Virtual	YES
Ad Hoc Budget Committee	12/18/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Ad Hoc Supervision Standards	4/12/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Ad Hoc Supervision Standards	6/26/2024	Virtual	YES
Ad Hoc Supervision Standards	8/14/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES

Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Ad Hoc Supervision Standards	9/17/2024	Virtual	YES
Ad Hoc Supervision Standards	9/25/2024	Virtual	YES
Ad Hoc Supervision Standards	10/23/2024	Virtual	YES
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	YES

*Attendance prior to Fiscal Year 21/22 reported in the last Sunset Review.

Table 1.a.6 Attendance

Beata Morcos

Appointed: 5/19/2015, 5/18/2023

Meeting Type	Meeting Date	Meeting Location	Attended?
Ad Hoc Sunset Committee	9/1/2021	Virtual	YES
Board Meeting	9/13/2021	Virtual	YES
Ad Hoc Sunset Committee	10/14/2021	Virtual	YES
Board Meeting	10/21/2021	Virtual	YES
Board Meeting	11/4/2021	Virtual	YES
Board Meeting	11/5/2021	Virtual	YES
Ad Hoc Sunset Committee	11/16/2021	Virtual	YES
Board Meeting	12/1/2021	Virtual	YES
Board Meeting	2/15/2022	Virtual	YES
Board Meeting	5/19/2022	Carson, CA	YES
Board Meeting	5/20/2022	Carson, CA	YES
Board Meeting	7/27/2022	Virtual	YES
Board Meeting	8/18/2022	Virtual	YES
Board Meeting	8/19/2022	Virtual	YES
Board Meeting	11/3/2022	San Marcos, CA	YES
Board Meeting	11/4/2022	San Marcos, CA	YES
Board Meeting	12/14/2022	Virtual	YES
Board Meeting	2/9/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	2/10/2023	Sacramento, CA (Hybrid)	YES
Administrative Committee	3/22/2023	Virtual	YES
Board Meeting	4/13/2023	Virtual	YES
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	YES
Administrative Committee	8/18/2023	Burbank, CA	YES
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Administrative Committee	9/29/2023	Burbank, CA	YES
Ad Hoc Non-Licensee Comm.	10/12/2023	Virtual	YES
Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Board Meeting	12/13/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Ad Hoc Supervision Standards	4/12/2024	Virtual	YES

Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Ad Hoc Supervision Standards	6/26/2024	Virtual	NO
Ad Hoc Non-Licensee Comm.	8/5/2024	Virtual	YES
Ad Hoc Supervision Standards	8/14/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Ad Hoc Supervision Standards	9/17/2024	Virtual	YES
Ad Hoc Supervision Standards	9/25/2024	Virtual	NO
Ad Hoc Supervision Standards	10/23/2024	Virtual	YES
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	YES
Board Meeting	1/24/2025	Sacramento, CA	YES
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES
Board Meeting	5/23/2025	Virtual	YES

*Attendance prior to Fiscal Year 21/22 reported in the last Sunset Review.

Table 1.a.7 Attendance

Sharon Pavlovich

Appointed: 8/16/2013, 1/21/2021

Meeting Type	Meeting Date	Meeting Location	Attended?
Ad Hoc OTD Committee	8/16/2021	Virtual	YES
Ad Hoc Sunset Committee	9/1/2021	Virtual	YES
Board Meeting	9/13/2021	Virtual	YES
Ad Hoc OTD Committee	10/6/2021	Virtual	YES
Ad Hoc Sunset Committee	10/14/2021	Virtual	YES
Board Meeting	10/21/2021	Virtual	YES
Board Meeting	11/4/2021	Virtual	YES
Board Meeting	11/5/2021	Virtual	YES
Ad Hoc Sunset Committee	11/16/2021	Virtual	YES
Board Meeting	12/1/2021	Virtual	YES
Board Meeting	2/15/2022	Virtual	YES
Board Meeting	5/19/2022	Carson, CA	YES
Board Meeting	5/20/2022	Carson, CA	YES
Board Meeting	7/27/2022	Virtual	YES
Board Meeting	8/18/2022	Virtual	YES
Board Meeting	8/19/2022	Virtual	YES
Board Meeting	11/3/2022	San Marcos, CA	YES
Board Meeting	11/4/2022	San Marcos, CA	NO
Board Meeting	12/14/2022	Virtual	YES

Board Meeting	2/9/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	2/10/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	4/13/2023	Virtual	YES
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	NO
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Ad Hoc Non-Licensee Comm.	10/12/2023	Virtual	YES
Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Board Meeting	12/13/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Ad Hoc Supervision Standards	4/12/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Ad Hoc Supervision Standards	6/26/2024	Virtual	YES
Ad Hoc Non-Licensee Comm.	8/5/2024	Virtual	YES
Ad Hoc Supervision Standards	8/14/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Ad Hoc Supervision Standards	9/17/2024	Virtual	NO
Ad Hoc Supervision Standards	9/25/2024	Virtual	YES
Ad Hoc Supervision Standards	10/23/2024	Virtual	NO
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	YES

*Attendance prior to Fiscal Year 21/22 reported in the last Sunset Review.

Table 1.a.8 Attendance

Christine Wietlisbach

Appointed: 5/12/2023

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	YES
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Practice Committee	10/13/2023	Virtual	YES
Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Practice Committee	12/8/2023	Virtual	YES
Board Meeting	12/13/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES

Practice Committee	3/1/2024	Virtual	YES
Leg Reg Affairs Committee	3/13/2024	Virtual	YES
Leg Reg Affairs Committee	4/24/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Practice Committee	6/21/2024	Virtual	YES
Practice Committee	8/2/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Practice Committee	10/11/2024	Virtual	YES
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	NO
Board Meeting	1/24/2025	Sacramento, CA	YES
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES
Practice Committee	4/25/2025	Virtual	YES
Board Meeting	5/23/2025	Virtual	YES

Table 1.b Board Member Roster

Member Name	Date First Appointed	Date Reappointed	Date Term Expires	Appointing Authority	Type (Public or Professional)
Bookwalter, Richard	3/05/2014	5/04/2021	12/31/2024	Governor	Professional (OT)
Cabrera, Hector	5/06/2022		12/31/2024	Assembly Speaker	Public
Do, Lynna	7/25/2020	1/16/2025	Resigned 3/13/2025	Senate Rules	Public
Ferro, Jeff	1/30/2014	12/11/2017	12/31/2020	Assembly Speaker	Public
Greco, Matthew	7/16/2025		12/31/2028	Senate Rules	Public
Miller, Denise	5/15/2013	1/22/2021	13/31/2023	Governor	Professional (OT)
Morcos, Beata D.	5/19/2015	5/18/2023	12/31/2025	Governor	Public
Pavlovich, Sharon	8/16/2013	1/21/2021	12/31/2023	Governor	Professional (OTA)
Santos, Virginia	6/30/2025		12/31/2028	Assembly Speaker	Public
Wietlisbach, Christine	5/12/2023		12/31/2026	Governor	Professional (OT)
Vacancy	Vacant effective 1/01/2025 (Miller; grace year completed)			Governor	Professional (OT)
Vacancy	Vacant effective 1/01/2025 (Pavlovich; grace year completed)			Governor	Professional (OTA)
Vacancy	Vacant effective 1/01/2025 (Bookwalter; currently serving grace year)			Governor	Professional (OT)

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

With the expiration of both Former Member Pavlovich's and Former Member Miller's terms, followed by the resignation of Former Member Do, the Board required the attendance of all members to meet quorum. However, careful planning and commitment from the members allowed the Board to hold all planned meetings without quorum issues. The recent appointments of Member Santos and Member Greco have made quorum easier to achieve. However, two Board positions remain vacant at the time of writing, and Member Bookwalter's position is expected to be vacant at the end of the calendar year. This will leave 3 vacancies and once again require the attendance of all members to maintain quorum.

Filling the three Governor Appointee positions is crucial to sustaining Board operations.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

The Board's former Executive Officer (EO), Heather Martin, retired in December 2024. Following Ms. Martin's retirement, Marc Mason was appointed to the EO position. Mr. Mason resigned in February 2025. Beginning on February 17, 2025, Austin Porter served as the Interim Executive Officer until being appointed to the Executive Officer position in June 2025. Mr. Porter is the Board's current Executive Officer.

The Board adopted its new Strategic Plan for 2025 – 2030 on March 6, 2025, which is included in E. As part of the development process, an environmental scan and analysis of the environment in which the Board operates was conducted. The environmental scan sought stakeholder input on the Board's performance in the areas of Enforcement, Applicant Qualifications, Laws and Regulations, Outreach and Communication, and Organizational Effectiveness. This process included sending a survey to more than 900 stakeholders, including people on the Board's interested parties list, other state occupational therapy boards, the California and national associations that represent the profession, and program directors of all California occupational therapy education programs.

- All legislation sponsored by the board and affecting the board since the last sunset review.
- All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

5. List the status of all national associations to which the board belongs.

The Board is a member of the Council on Licensure, Enforcement and Regulation (CLEAR) – CLEAR is an association of individuals, agencies and organizations that comprise the international community of professional and occupational regulation, providing a forum for improving the quality and understanding of regulation to enhance public protection.

- Does the board's membership include voting privileges?

The Board's CLEAR membership is part of a DCA's organizational membership and comes with voting privileges represented by a single organization vote.

- List committees, workshops, working groups, task forces, etc., on which the board participates.

- How many meetings did board representative(s) attend? When and where?
- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The Board uses the same national examinations used by all other state occupational therapy licensing boards and agencies. The vendor that administers and scores the examinations is the National Board for Certification in Occupational Therapy (NBCOT); NBCOT also reports the scores to the candidates, state regulatory agencies, and prospective employers, if a candidate requests this service.

The Board has not been involved in the development, scoring, analysis, and administration of the examination. However, California-licensed occupational therapists routinely serve, as part of pool of more than 50 licensed professionals and faculty members from across the nation, as subject matter experts (SMEs). The SMEs are responsible for exam question development, review, validation, and revision.

Section 3 – Licensing Program

Table 6. Licensee Population

		FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
Occupational Therapist	Active ¹	15,615	16,198	16,855	17,395
	Out of State	3,854	3,996	4,379	4,589
	Out of Country	44	36	65	60
	Delinquent/Expired	3,286	3,266	3,287	3,411
	Retired Status <i>if applicable</i>	688	796	935	1,036
	Inactive	348	385	374	391
	Other ²	N/A	N/A	N/A	N/A
Occupational Therapy Assistant	Active	3,851	4,067	4,249	4,372
	Out of State	857	865	888	874
	Out of Country	1	1	1	1
	Delinquent/Expired	1,021	1,067	1,045	1,034
	Retired Status <i>if applicable</i>	147	159	199	226
	Inactive	93	99	101	102
	Other	N/A	N/A	N/A	N/A

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

1. What are the board's performance targets/expectations for its licensing³ program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

CCR section 4112 requires that the Board provide written notice to an applicant whether their application is complete or deficient within 30 days of the Board's receipt of the application. Internal statistics for the last four fiscal years reflect that the Board is meeting the established expectation. It takes the Board about 22-26 days to provide an applicant written notice whether the application is complete (and approved) or whether additional documentation is required.

2. Using Table 7a, **Licensing Data by Type**, describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board is meeting its regulatory goal in processing applications and notifying applicants within 30 days of the status of their application, so pending applications have not grown at a rate that is not manageable. On occasion, when the Board has been in jeopardy of exceeding the 30-day notification period, it has been able to redirect staff resources. The Board will continue to monitor the processing times and take appropriate steps to seek additional staff through the BCP

¹ Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

² Other is defined as a status type that does not allow practice in California, other than retired or inactive.

process and/or consider legislative or regulatory change if it is not able to meet the standards established in CCR section 4112.

Table 7a. Licensing Data by Type										
		Received	Approved /Issued	Closed	Pending Applications			Application Process Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps*	Incomplete Apps*	Total (Close of FY)
FY 2021/22	(License)	2274	1760	393	551	206	345	24	67	1812
	(Renewal)	9927	8904	657	6083					
FY 2022/23	(License)	2267	1871	433	455	181	274	27	72	1926
	(Renewal)	10357	9330	943	6302					
FY 2023/24	(License)	2326	1881	351	481	162	319	26	68	1949
	(Renewal)	10704	9687	986	6278					
FY 2024/25	(License)	2006	1641	334	467	143	324	24	70	1684
	(Renewal)	11797	10276	929	6366					
* Optional. List if tracked by the board.										

Table 7b. License Denial				
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
License Applications Denied (no hearing requested)	1	4	0	2
SOIs Filed	0	0	0	1
Average Days to File SOI (from request for hearing to SOI filed)	N/A	N/A	N/A	127
SOIs Declined	0	0	0	0
SOIs Withdrawn	0	0	0	0
SOIs Dismissed (license granted)	0	0	0	0
License Issued with Probation / Probationary License Issued	0	0	0	1
Average Days to Complete (from SOI filing to outcome)	N/A	N/A	N/A	137

3. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

The Board denied a total of five licenses over the past four years based on criminal history.

- FY 2021/22 – Zero applications denied for criminal history.
- FY 2022/23 – Four applications denied for Driving Under the Influence.
- FY 2023/24 – Zero applications denied for criminal history.
- FY 2024-25 - One application denied for Driving Under the Influence.

Two additional applications were denied in FY's 2021/22 and 2024/25 respectively for unethical behavior.

4. How does the board verify information provided by the applicant?

- What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?

When an applicant submits their application for licensure, he or she is required to disclose whether any health-related professional licensing or disciplinary body in any state, territory, or foreign jurisdiction has ever denied, limited, placed on probation, restricted, suspended, cancelled, or revoked any professional license, certificate, or registration, or imposed a fine, reprimand, or taken any other disciplinary action against any license or certificate they hold or have ever held within the preceding seven years from the date of application. If the applicant discloses another license on their application, he or she is required to submit a license verification from the issuing authority. The license verification is used as a primary source to determine if the applicant had a license or certificate that had been disciplined by another state or province. (This process also allows the Board to determine if the applicant has been truthful in the application process.)

As part of the licensure process, each applicant is required to submit their fingerprints for processing through the California Department of Justice and the Federal Bureau of Investigation for processing at both the State and Federal levels. (This process also allows the Board to determine if the applicant has been truthful in the application process.)

- Does the board fingerprint all applicants?

As part of the licensure process, all applicants are required to submit their fingerprints for processing through the California Department of Justice and the Federal Bureau of Investigation. Applicants can submit their fingerprints electronically if they access one of several hundred Live Scan locations in California. Applicants located out of state must complete and submit fingerprint cards directly to the Board; the Board then forwards the cards to the DOJ for manual processing. Whether fingerprints are submitted via Live Scan or fingerprint cards, no applicant is approved for licensure until the background checks from both the Department of Justice and Federal Bureau of Investigation are received by the Board.

- Have all current licensees been fingerprinted? If not, explain.

All current licensees have been fingerprinted before their initial license applications were approved in order to verify whether an applicant has been convicted of crimes in the past, and to provide the Board with subsequent arrest information. Thus, the fingerprint image is "maintained" by the Department of Justice. With the fingerprints maintained by DOJ, the Board also receives subsequent arrest and subsequent conviction reports. This allows the Board to open a 'case' and monitor the arrest through the process; staff can then determine if the conviction is substantially related to the qualifications, functions, or duties of an occupational therapy practitioner.

- Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

The National Practitioner Data Bank (NPDB) collects information and maintains reports on:

- Federal and state licensure and certification actions
- Health care-related criminal convictions and civil judgments
- Medicare and Medicaid exclusions
- Medical malpractice payments
- Adverse clinical privileges actions
- Adverse professional society membership actions
- Other adjudicated actions or decisions

The intent of the databank is to improve the quality of health care by requiring state licensing boards, hospitals, health care employers, other health care entities, and professional societies to report those licensees who engage in illegal or unprofessional behavior; and to restrict the ability of incompetent health care practitioners from moving from state-to-state without disclosure or discovery of previous discipline, medical malpractice payment or other adverse action. Adverse actions can involve action taken against licensure, clinical privileges, and professional society membership.

Reporters to the NPDB include, but are not limited to:

- State healthcare licensing boards
- Health and Human Services' Office of the Inspector General
- State entity licensing and certification authorities
- Medical malpractice payers
- Hospitals
- Professional societies with formal peer review
- Other health care entities with formal peer review (e.g., HMOs, managed care organizations, etc.)
- Drug Enforcement Agency

Board staff does not check the national databank prior to issuing or renewing a license due to their being an associated cost to this request.

- Does the board require primary source documentation?

The Board requires primary source documentation (e.g., educational transcripts issued by the university or college, verification of passage of the examination issued by the vendor, license verifications issued by another state agency, certified court documents relating to convictions.) to ensure the accuracy of the document submitted. This verification process assists the Board in determining if the applicant has been truthful in the application process, when the documentation submitted is compared to the information the applicant has provided on the application form.

- Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

Yes. The CBOT sends No Longer Interested notifications to DOJ electronically. This ongoing, automated process is facilitated by a BreEZe interface between DOJ and the PTBC. The CBOT does not have a backlog.

5. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Board does not have reciprocity with any other state licensing boards. Any person from another state seeking licensure in California as an Occupational Therapist (OT) or Occupational Therapy Assistant (OTA) will need to demonstrate compliance with all licensing requirements, including demonstrating minimum entry-level competence. This is demonstrated by completion of specific educational and supervised fieldwork requirements set forth in BPC section 2570.6 and successful completion of the entry-level examinations administered by NBCOT.

Occupational Therapists trained outside of the United States are required to complete the educational and supervised fieldwork requirements set forth in BPC section 2570.6 and successfully complete the entry-level certification examination administered by NBCOT. (There are no foreign occupational therapy assistant programs recognized; only graduates of United States occupational therapy assistant programs are eligible to take the NBCOT examination.) Pursuant to BPC section 30, applicants shall provide either an individual taxpayer identification number or a social security number before a license can be issued.

An individual applying for a license as an occupational therapist or as an occupational therapy assistant shall submit a completed application and demonstrate to the Board that he or she meets all the requirements set forth in BPC Section 2570.6:

(a) That the applicant is in good standing and has not committed acts or crimes constituting grounds for denial of a license under Section 480. (b)(1) That the applicant has successfully completed the academic requirements of an educational program for occupational therapists or occupational therapy assistants that is approved by the board and accredited by the American Occupational Therapy Association's Accreditation Council for

Occupational Therapy Education (ACOTE), or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization or approved by AOTA's Career Mobility Program.

(b)(2) The curriculum of an educational program for occupational therapists shall contain the content required by the ACOTE accreditation standards, or as approved by AOTA's predecessor organization, or as approved by AOTA's Career Mobility Program.

(c)(1) For an applicant who is a graduate of an occupational therapy or occupational therapy assistant educational program who is unable to provide evidence of having met the requirements of paragraph (2) of subdivision (b), he or she may demonstrate passage of the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraph (2) of subdivision (b).

(c)(2) For an applicant who completed AOTA's Career Mobility Program, he or she shall demonstrate participation in the program and passage of the examination administered

by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraphs (1) and (2) of subdivision (b).

(d) That the applicant has successfully completed a period of supervised fieldwork experience approved by the board and arranged by a recognized educational institution where he or she met the academic requirements of subdivision (b) or (c) or arranged by a nationally recognized professional association. The fieldwork requirements for applicants applying for licensure as an occupational therapist or certification as an occupational therapy assistant shall be consistent with the requirements of the ACOTE accreditation standards, or AOTA's predecessor organization, or AOTA's Career Mobility Program, that were in effect when the applicant completed his or her educational program.

(e) That the applicant has passed an examination as provided in Section 2570.7.

(f) That the applicant, at the time of application, is a person over 18 years of age, is not addicted to alcohol or any controlled substance, and has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

BPC Section 2570.4 allows an occupational therapist or occupational therapy assistant who holds a current, active, and non-restricted license issued by another state with requirements at least as stringent as California to work in California for 60-days from the date an application for licensure is received by the Board; the OT or OTA must work in association with a California-licensed OT.

Any applicant who holds or has ever held a license, registration, or certificate in any health-related profession, including occupational therapy, in any state, province, or country, must disclose these licenses, registrations or certificates and request a license verification from each of those jurisdictions.

Other than those items listed above, the application process is the same for new graduates, or applicants from out-of-state or country.

6. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

Existing law, BPC section 2570.6, establishes that an applicant for licensure must successfully complete an occupational therapy academic program that has been accredited by the Accreditation Council on Occupational Therapy Education (ACOTE).

Existing law, BPC section 2570.7, also establishes an applicant for state licensure must pass the examination administered by NBCOT. In order for NBCOT to allow a candidate to sit for the certification examination the candidate must provide evidence (a transcript) they successfully completed an OT or OTA educational program that is accredited by ACOTE; graduates of a foreign educational program must submit evidence to NBCOT that the program they completed contained substantially equivalent courses to the education curriculum required of program accredited by ACOTE.

As previously reported, there is a pathway for OTAs to qualify by having completed military education and training. This is because military OTA programs have been accredited by ACOTE and meet NBCOT's eligibility requirements for the COTA examination.

A review of the qualification requirements for occupational therapists serving in the armed services, indicates that completion of an accredited occupational therapy degree program and passage of the NBCOT examination is required.

- How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

From July 1, 2021, to June 30, 2025, the Board received ____ applications for licensure as an occupational therapy based on military education, training, and experience. All applicants were approved for licensure.

- How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

The Board has waived fees or requirements for _____ OTs and OTAs pursuant to BPC § 114.3. The impact to board revenues has been minimal and absorbable.

- How many applications has the board expedited pursuant to BPC § 115.5?

The Board has expedited _____ OT and OTA applications pursuant to BPC § 115.5.

Examinations

7. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Pursuant to BPC Section 2570.7, each applicant for licensure shall successfully complete the entry level certification examination for occupational therapists or occupational therapy assistants. The national examinations determine whether a candidate for licensure is able to demonstrate entry-level competence as an occupational therapist or occupational therapy assistant. The passage of the national examinations administered by NBCOT is a minimum licensure requirement for the United States and Puerto Rico.

Currently, a California specific examination is not required. The national examinations are not offered in other languages.

8. What are pass rates for first time vs. retakes in the past 4 fiscal years? Please include pass rates for **all** examinations offered, including examinations offered in a language other than English. *Include a separate data table for each language offered.*

The National examinations data is not available by fiscal year; NBCOT has provided pass rates by calendar year only.

Table 8(b). National Examination.				
License Type		Occupational Therapist	Occupational Therapy Assistant	N/A
Exam Title		Occupational Therapist Registered	Certified Occupational Therapy Assistant	N/A
FY 2021/22	Number of Candidates	1314	469	N/A
	Overall Pass %	76.03%	67.16%	N/A
	Overall Fail %	23.97%	32.84%	N/A
FY 2022/23	Number of Candidates	1375	520	N/A
	Overall Pass %	74.55%	71.92%	N/A
	Overall Fail %	25.45%	28.08%	N/A
FY 2023/24	Number of Candidates	1585	520	N/A
	Overall Pass %	73.06%	67.5%	N/A
	Overall Fail %	26.94%	32.5%	N/A
FY 2024/25	Number of Candidates	1518	449	N/A
	Overall Pass %	62.91%	60.58%	N/A
	Overall Fail %	37.09%	39.42%	N/A
Date of Last OA		N/A	N/A	N/A
Name of OA Developer		N/A	N/A	N/A
Target OA Date		N/A	N/A	N/A

9. Is the board using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The NBCOT uses computer-based testing to administer the examinations required to demonstrate competence as an occupational therapist or an occupational therapy assistant. The examinations are administered at Prometric Test Centers (PTC) worldwide, through a network of more than 10,000 testing centers in more than 160 countries. Most PTC test centers are open six days a week and many centers offer evening hours for candidate convenience.

Candidates are encouraged to review the Certification Examination Handbook, which is available on NBCOT's website, prior to applying for the exam. The handbook has been developed to provide exam candidates with the information they need to complete an examination application and successfully pass the required examination.

All candidates are required to answer the character questions on the exam application and for those who respond affirmatively, comply with related documentation requirements. Candidates requesting special testing accommodations must indicate this request on the application and comply with associated documentation requirements. Reporting services are available to all candidates as part of the exam application process including: 1) Confirmation of Examination Registration and Eligibility to Examine Notice; and 2) Official Score Transfer.

After the candidate has submitted an exam application and fee to NBCOT, they must also submit an Official Final Transcript or an Academic Credential Verification Form (ACVF). The ACVF may be submitted if the official transcript is not final with the understanding that the final transcript must be submitted when available from the college or university's Registrars' Office.

Once an exam application has been approved by NBCOT, the candidate is provided with an Authorization to Test (ATT) letter. The ATT letter authorizes the candidate to take the examination and is active for 90 days. Upon receipt of an ATT letter, a candidate can then proceed with contacting Prometric Test Centers to schedule a date, time, and location to test. The official score report is provided directly to the Board via an on-line secure portal, once the candidate makes the request to NBCOT.

10. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe. Has the Board approved any amendments, or is the Board considering amendments to address the hindrances presented by these statutes?

There are no statutory barriers or inefficiencies that hinder the processing of applications. The application process required in California is consistent across the United States, including completing educational programs accredited by ACOTE and passage of the examinations administered by NBCOT.

11. When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?

The Board has not been involved in the development, scoring, analysis, and administration of the examination. However, California-licensed occupational therapists routinely serve, as part of pool of more than 50 licensed professionals and faculty members from across the nation, as subject matter experts (SMEs). The SMEs are responsible for exam question development, review, validation, and revision.

School Approvals

12. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The Accreditation Council for Occupational Therapy Education approves all occupational therapy educational programs; the Board does not work directly with BPPE.

13. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

Not applicable; the Board does not approve, review, remove schools.

14. What are the board's legal requirements regarding approval of international schools?

Not applicable; the Board does not approve schools or educational programs.

Continuing Education/Competency Requirements

15. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

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. One hour of participation in a professional development activity qualifies for one PDU; one academic credit equals 10 PDUs; one Continuing Education Unit (CEU) equals 10 PDUs.

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. Professional development activities acceptable to the board include programs or activities sponsored by the American Occupational Therapy Association or the Occupational Therapy Association of California; post-professional 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.

Although not yet finalized, the Board has approved a regulatory package that, once approved by the Department of Consumer Affairs and the Office of Administrative Law, will enact changes that provide clarity to the reporting requirement instructions, implement supervision of a doctoral student as a method by which to earn continuing education credit, require a combined three units of continuing education focused on ethics and diversity, equity, and inclusion, and require one unit on California laws and regulations related to the profession. The package also provides for the addition of language that further promotes the Board's mandate of public protection by requiring new graduates that renew their license for the first time more than one year following the issuance of their initial license to provide twelve hours of continuing education credit earned, whereas none have been required in the past.

Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited

- How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?

On the renewal application, licensees are required to self-certify, under penalty of perjury, that they have completed 24 PDUs as a condition of renewing their license with active status. Certificates of completion are not required to be submitted at the time of renewal.

Due to access limitations the Board did not move forward with using cloud- based access. However, the Board's previously reported a requested change in BreEze that would allow the licensee to upload copies of their continuing education certificates at the time of renewal which could be a convenient repository of documentation for the licensee that could also be used by Board staff in the event the licensee's renewal is audited in the future. This feature became available to the licensees August of 2022. If the licensee chooses to not upload their certificates at the time of renewal but are later audited, the licensee will be given an option to access their BreEze account to upload copies of the certificates or to mail hard copies.

- Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

The Board randomly audits renewing licensees to determine compliance with the PDU requirement. The Board has established a goal of conducting audits on 10-15% of its active renewals.

- What are consequences for failing a CE audit?

A citation and fine is issued to licensees who fail to respond to the Board's letters auditing a renewal or who fail to demonstrate completion of the 24 PDUs required for renewal. The citation includes an Order of Abatement that requires the licensee to complete the deficiency that exists, be it as few as one hour or the full 24 hours.

Licensees that fail to comply with the Order of Abatement are referred to the Office of the Attorney General (AGO) for formal disciplinary action against their license.

- How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

The Board conducted 591 CE audits in the past four fiscal years. There were 123 failed audits which equals 21%.

- Who approves CE courses? What is the board's course approval policy?

The Board does not approve continuing education courses or the companies that provide courses. However, CCR section 4161(b) states that activities acceptable to the Board include, but are not limited to, programs or activities sponsored by the American Occupational Therapy Association or the Occupational Therapy Association of California.

The Board also accepts coursework or programs that contribute directly to professional knowledge, skill, and ability and is objectively measurable in terms of the hours involved. Licensees can meet the continuing competence requirement in a variety of ways other than paying a provider and completing courses.

For example, licensees can supervise a student completing the fieldwork required by their educational program; participate in structured special interest or study groups; mentor a practitioner or structured mentoring with an individual skilled in a particular area; publish an article in a peer-reviewed or non-peer reviewed publication; publish a chapter in an occupational therapy or related professional textbook; attend a Board meeting or Board outreach activity.

- Who approves CE providers? If the board approves them, what is the board's application review process?

The Board does not approve CE providers or courses.

- How many applications for CE providers and CE courses were received? How many were approved?

Not applicable; no data to report.

- Does the board audit CE providers? If so, describe the board's policy and process.

The Board does not audit continuing education providers.

- Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee's continuing competence.

Due to the lack of evidence-based research available, the Board is not planning to move forward with performance-based assessments of licensees at this time.