

AGENDA ITEM 13

**DISCUSSION AND POSSIBLE ACTION TO INITIATE A
RULEMAKING PACKAGE TO AMEND CALIFORNIA CODE OF
REGULATIONS, TITLE 16, DIVISION 39, ARTICLE 6, SECTION
4147, DISCIPLINARY GUIDELINES.**

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED REGULATORY LANGUAGE
Disciplinary Guidelines – Cost Recovery Requirements

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 4147 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4147. Disciplinary Guidelines

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

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

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

Amend the cover sheet of the Disciplinary Guidelines

California Board of Occupational Therapy

DISCIPLINARY GUIDELINES

~~October 2013~~ [(OAL to insert month and year of adoption here)]

Additional copies of this document may be obtained by contacting the Board at its office in Sacramento, California or from its web site at www.bot.ca.gov.

Amend subsection V (11) of the Disciplinary Guidelines

V. STANDARD CONDITIONS OF PROBATION

11. Cost Recovery Requirements

~~Where an order for recovery of costs is made, respondent shall make timely payment as directed in the Board's Decision pursuant to Business and Professions Code section 425.3. Respondent shall reimburse the Board \$_____ for its investigation and prosecution costs. Respondent shall~~ may be permitted to pay these costs in a payment plan approved by the Board. Respondent must submit a proposed payment plan within 30 days of the effective date of the decision and be approved by a Board representative. Payments shall be completed no later than six (6) months prior to the end of the probation term. Failure to make payments in accordance with any formal agreement entered into with the Board or pursuant to any Decision by the Board shall be considered a violation of probation. The Board shall not renew or reinstate the license of any ~~r~~Respondent who has failed to pay all the costs as directed in a Decision.