

AGENDA ITEM 5

**REVIEW AND VOTE ON APPROVAL OF THE DECEMBER 5, 2025,
BOARD MEETING MINUTES.**



****DRAFT****

BOARD MEETING MINUTES

December 5, 2025

**Dominican University of California
School of Nursing and Allied Health Professions
Creekside Room, Caleruega Hall
50 Acacia Avenue
San Rafael, CA 94901**

Board Members Present

Beata Morcos – Board President
Christine Wietlisbach – Board Vice President
Ada Boone Hoerl – Secretary
Luis Arabit
Matthew Greco
Virginia Santos
Erin Schwier

Board Staff Present

Austin Porter – Executive Officer
Jody Quesada Novey – Manager
Helen Geoffroy – Board Attorney

**Friday, December 5, 2025
Board Meeting**

1. Call to order, roll call, establishment of a quorum.

The meeting was called to order at 9:31 a.m. Secretary Ada Boone Hoerl called roll and a quorum was established.

2. President’s Remarks – Informational Only; no Board Action to be taken.

Board President Beata Morcos thanked Dominican University staff for hosting the Board meeting at their beautiful location.

President Morcos thanked Executive Officer (EO) Austin Porter for his hard work and dedication in preparing the Sunset Report and Manager Jody Quesada Novey for her support of the Board members.

There were no other Board member remarks.
There were no public comments.

3. Board Member Remarks – Informational Only; no Board Action to be taken.

Board Secretary Ada Boone Hoerl recognized Board staff for their hard work and dedication to the Board and the Occupational Therapy profession.

Board member Luis Arabit also thanked and recognized the Board staff for their hard work.

There were no other Board comments.

There were no public comments.

4. Public Comment for Items Not on the Agenda.

Richard Bookwalter, OTD, OTR/L, retired and former Board member introduced himself and congratulated all the new Board members on their appointments.

Samia Rafeedie, OTD/OTR/L, OTAC President and Director of the Entry-Level Doctoral Occupational Therapy program at the University of Southern California, thanked the Board and introduced herself.

EO Austin Porter presented a public comment received via email regarding AB 489 and the impact of AI and other emerging tech enabled solutions on OT. The commenter expressed interest in presenting to the Board on the current landscape of AI on OT and allied health.

Board President, Beata Morcos agreed to have this scheduled for a future meeting once more research on the matter has been done.

There were no other Board member remarks.

There were no other public comments.

5. Review and vote on approval of November 6, 2025, Board meeting minutes.

Board Secretary Ada Boone Hoerl requested the following corrections on page 2 of the November 6, 2025, Board meeting minutes.

“Ada Boone Hoerl, ROH, MA, COTA/L” should read “Ada Boone Hoerl, MA, COTA/L, ROH” and experience should be “nearly 30 years” instead of “over 30 years.”

“Candace Chatman, OTD, OTR” should read “Candace Chatman, OTD, OTR/L.”

- Christine Wietlisbach moved to approve November 6, 2025, minutes.
- Ada Boone Hoerl seconded the motion.

Board Member Vote

Beata Morcos	Yes
Christine Wietlisbach	Yes
Luis Arabit	Yes
Ada Boone Hoerl	Yes
Matthew Greco	Yes
Vicky Santos	Yes
Erin Schwier	Yes

There were no other Board member remarks.
There were no public comments.

The motion carried.

6. Discussion, review, and vote on approval of the Draft Sunset Report. May include discussion and approval of “New Issues” to include in the report.

EO Porter gave an overview of the materials provided in the preliminary Sunset Report. Below are the requested updates and changes.

Section 1

Page 15 – Board President Morcos reminded that the January 2025 meeting was canceled and that should be reflected in question 2.

Page 17 – a clerical edit was requested by President Morcos as follows:
“approval form the Director of DCA” should read “approval from the Director of DCA.”

There were no other Board member remarks.
There were no public comments.

Section 2

No changes requested by the Board.

Public Comment

Richard Bookwalter, OTD/OTR/L and former Board member stated that he felt adding a footnote to table 4A outlining the fact that the biennial renewal fees have remained the same since 2001, which is 25 years would be an honorable mention.

Board President Beata Morcos stated she would also like to add that fees were reduced a few years ago to help applicants/licenseses.

EO Porter stated that Section 9 of the Sunset Report discusses issues identified in the previous Sunset Report, which identified a fund imbalance with a request for a fee increase. The information discussed will be added to those sections.

Section 3

Page 30 – Board Vice President Christine Wietlisbach requested a grammar correction to the second bullet point. “*occupational therapy*” should be replaced with “*occupational therapist*”.

Board Secretary Ada Boone Hoerl suggested the following changes:

Page 32 – change Prometric test centers to Pearson Professional Assessments throughout since they are in the process of changing their name.

Page 32 – Question 14, Paragraph 2 should be corrected to read: “Candidates are encouraged to review the content outline and Certification Examination Handbook”

Secretary Boone Hoerl spoke on the changes between Prometric and Pearson Professional Assessments and how they have impacted students. Under Prometric, students were allowed to check the availability of the testing centers, to be able to plan. Under Pearson, graduating students are required to request approval for tests to look at the testing schedule. Pearson Professional Assessments' current schedule no longer allows specific four-hour slots for NBCOT testing students, and the system is now open to various test types. Graduating students are now competing with other professions which has caused an extended wait time to sit for a test and, once scheduled, a 60–100-mile drive in some cases.

Board President Beata Morcos, thanked Secretary Hoerl for sharing her insight with the Board.

There were no other Board member remarks.
There were no public comments.

Section 4

Vice President Wietlisbach asked why the following were marked with an asterisk:

Page 43: **PROBATION**; Probationers Tolled *

Page 44: **SUBSTANCE ABUSING LICENSEES** **

Page 44: **DIVERSION** ** - To be removed

EO Porter stated the footnotes for the asterisks will be added to the report and “Diversion” will be removed as the Board does not require it.

There were no other Board member remarks.
There were no public comments.

EO Porter gave an overview of the addendum to the Sunset Report on page 7, Section 2, Question 33, which included a succinct summary of the information in the table.

Public Comment

Richard Bookwalter suggested that the Board consider adding disciplinary language regarding educators abusing their position prior to the next Sunset report due date.

Mr. Porter stated this will be added to Section 10 – New Issues, which may be added on the next Sunset Report.

Section 5

No changes requested by the Board.

There were no Board member remarks.
There were no public comments.

Section 6

Matthew Greco asked if the Board had any disciplinary action cases where a California licensee was practicing in another state without that State's license. EO Porter explained that CBOT does not have the authority to discipline a license for not following the proper license regulations of that State, but CBOT would act if that State imposed disciplinary action on that licensee.

There were no other Board member remarks.
There were no public comments.

Section 7

Pages 63 & 64 - A grammatical correction to page 63 and current graduation data from accredited schools to be added to first paragraph on top of page 64.

There were no other Board member remarks.
There were no public comments.

Section 8

No changes requested by the Board.

There were no Board member remarks.
There were no public comments.

Section 9

The responses to the last Sunset Report are included in this section, as well as a draft of the legislative language on fee authority.

Public Comment

Samia Rafeedie, OTAC President, stated that the Association receives a lot of inquiries regarding AB 5 from occupational therapists that are independent contractors wondering if they would be exempt. She asked the Board to find an author to sponsor the bill, so they are clear on what information to give independent contractors.

EO Porter stated that the topic will be included in the Sunset Report as a “New Issue” and agendaized for a future Board meeting.

There were no Board member remarks.
There were no other public comments.

- Issue 5 – EO Porter reviewed issue #5 of the Sunset Report Occupational Therapy Assistant Workforce needs.

The Centers of Excellence for Labor Market Research study was produced in 2021 and focused on the Occupational Therapy Assistant (OTA) workforce. The Responses were intended to improve California’s OTA programs and to develop policy that would ensure an adequate supply of OTA’s to meet the needs of California Occupational Therapy Consumers.

Mr. Porter suggested the Board consider creating an ad hoc committee to address the OTA workforce study and how the information should be used by the Board. The committee will provide a definitive answer to the Legislature, addressing the response given by the Board in 2022.

Board members agreed to initiate an Ad Hoc Committee on the OTA Workforce.

There were no other Board member remarks.
There were no public comments.

- Issue 10 – EO Porter gave an overview of Issue #10, Practice Act: Technical Edits on Advance Practice. Mr. Porter stated the following technical edits will be added to page 16 of the addendum:
 - Board meeting locations and frequency. At least three times a year with a meeting location requirement of once in Northern California and once in Southern California.
 - Ability to accept the surrender of a license in the absence of a legal pleading.
 - Probation monitoring costs.
 - Entry level capstone experience language. This refers to the Practice Act allowing Doctoral Capstone students to practice without being in violation.

There were no Board member remarks.

There were no public comments.

Section 10

EO Porter gave an overview of Section 10 of the Sunset Report: New Issues to Include:

- Issue #1. Implementing a fee structure that supports the long-term health of the Board's fund is of the highest priority. Recommendations to achieve this are included in Section 9.
- Issue #4. The Board looks forward to working with stakeholders and the committees on requesting an exemption from the Dynamex ABC test.
- Issue #5. The Board looks forward to taking steps as outlined in Section 9 to further utilize the information from the OTA workforce study.
- Issue #6. The Board and the Practice Committee will continue their efforts to review the requirements for advanced practice approval. The Board looks forward to submitting a rulemaking package once the review and recommendations are complete.
- Amend California Code of Regulations Section 2570.2. to include a definition for Completed Supervised Entry Level Doctoral Capstone Experience.
- Amend California Code of Regulations 2570.3 to accept the surrender of a license in the absence of a legal pleading. EO A. Porter will review minutes from the Board meeting(s) that capture the language under CCR 2570.3 to ensure the language is not duplicative.
- Request for the Board to be provided with email address by an applicant and/or licensee no later than July 1, 2027. Email addresses will be considered confidential and not for public disclosure.

Public Comment

Samia Rafeedie, OTAC President, asked if the Board considered approving continuing education courses.

EO Porter replied that to vet and approve all potential providers and courses would require more resources and staff than the Board has available.

There were no Board member remarks.

There were no other public comments.

- Matthew Greco moved to approve the Sunset Report with the discussed edits and granted the EO authority to make non-substantive changes.
- Luis Arabit seconded the motion.

Board Member Vote

Beata Morcos	Yes
Christine Wietlisbach	Yes
Luis Arabit	Yes
Ada Boone Hoerl	Yes
Matthew Greco	Yes
Vicky Santos	Yes
Erin Schwier	Yes

There were no other Board member remarks.
There were no other public comments.

The motion carried.

7. Discussion and possible action to approve proposed language to amend Business and Professions Code Section 2570.16, Fees.

EO Austin Porter gave an overview of the proposed language that would increase the maximum amount that the Board may charge for certain fees in statute. The newly proposed language would allow the Board to increase certain fees through regulation in the future, if necessary.

- Virginia Santos moved to approve the proposed language as presented, amending Business and Professions Code 2576.16 and Business and Professions Code 2576.17 to set new statutory maximums for fees.
- Erin Schwier second the motion.

Board Member Vote

Beata Morcos	Yes
Christine Wietlisbach	Yes
Luis Arabit	Yes
Ada Boone Hoerl	Yes
Matthew Greco	Yes
Vicky Santos	Yes
Erin Schwier	Yes

There were no Board member remarks.
There were no public comments.

The motion carried.

8. Executive Officer’s Report.

a. Administrative Update, including information on the Board’s budget, personnel, BreZE and Fee Analysis status.

b. Licensing Unit data.

c. Enforcement Unit data

EO Austin Porter provided an overview of the information in the materials. He also provided the upcoming Board meeting dates with locations pending:

- February 26-27, 2026
- May 21-22, 2026
- August 13-14, 2026
- October 29-30, 2026

There were no Board member remarks.

There were no public comments.

9. Nomination and vote for Board officer positions (President, Vice President, Secretary).

Board President nomination(s) and vote:

- Christine Wietlisbach moved to nominate Beata Morcos as Board President.
- Ada Boone Hoerl seconded the motion.

There were no additional nominations, and Beata Morcos accepted the nomination.

Board Member Vote

Beata Morcos	Beata Morcos
Christine Wietlisbach	Beata Morcos
Luis Arabit	Beata Morcos
Ada Boone Hoerl	Beata Morcos
Matthew Greco	Beata Morcos
Vicky Santos	Beata Morcos
Erin Schwier	Beata Morcos

There were no Board member remarks.

There were no public comments.

The motion carried.

Board Vice President nomination(s) and vote:

- Luis Arabit moved to nominate Christine Wietlisbach for Board Vice President.
- Beata Morcos seconded the motion.

There were no additional nominations, and Christine Wietlisbach accepted the nomination.

Board Member Vote

Beata Morcos	Christine Wietlisbach
Christine Wietlisbach	Christine Wietlisbach
Luis Arabit	Christine Wietlisbach
Ada Boone Hoerl	Christine Wietlisbach
Matthew Greco	Christine Wietlisbach
Vicky Santos	Christine Wietlisbach
Erin Schwier	Christine Wietlisbach

There were no Board member remarks.
There were no public comments.

The motion carried.

Board Secretary nomination(s) and vote:

- Beata Morcos moved to nominate Ada Boone Hoerl for Board Secretary.
- Christine Wietlisbach seconded the motion.

There were no additional nominations, and Ada Boone Hoerl accepted the nomination.

Board Member Vote

Beata Morcos	Ada Boone Hoerl
Christine Wietlisbach	Ada Boone Hoerl
Luis Arabit	Ada Boone Hoerl
Ada Boone Hoerl	Ada Boone Hoerl
Matthew Greco	Ada Boone Hoerl
Vicky Santos	Ada Boone Hoerl
Erin Schwier	Ada Boone Hoerl

There were no Board member remarks.
There were no public comments.

The motion carried.

ADJOURNMENT

The Board Meeting adjourned at 2:24 p.m.

AGENDA ITEM 7

**REVIEW AND VOTE ON ACCEPTANCE OF THE APRIL 5, 2025
PRACTICE COMMITTEE MINUTES.**



PRACTICE COMMITTEE MEETING MINUTES

April 25, 2025

Committee Members Present

Christine Wietlisbach (Chair) (Board Vice President)
Richard Bookwalter (Board Secretary)
Lynne Andonian
Carlin Daley Reaume
Ernie Escovedo
Heather Kitching
Jeanette Nakamura
Chi-Kwan Shea

Board Staff Present

Austin Porter, Interim Executive Officer
Jody Quesada Novey, Manager
Karina Clark, Analyst

Committee Members Absent

Bob Candari
Mary Kay Gallagher
Diane Laszlo
Danielle Meglio

Friday, April 25, 2025

1:00 pm – Committee Meeting

1. Call to order, roll call, establishment of a quorum.

The meeting was called to order at 1:06 pm, roll was called, and a quorum was established.

2. Chairperson opening remarks.

Chairperson Christine Wietlisbach welcomed all and advised that the majority, if not total discussion would relate to potentially recommending changing the training and education hours for Board approval in hand therapy.

3. Public Comment for Items Not on the Agenda.

There was no public comment for items not on the agenda.

4. Review and vote on approval of the October 11, 2024, committee meeting minutes.

- Heather Kitching moved to approve the August 2, 2024, committee meeting minutes with the proposed updates.
- Diane Laszlo seconded the motion.

Public Comment

There were no public comments.

Committee Member Vote

Lynne Andonian	Absent
Christine Wietlisbach	Yes
Richard Bookwalter	Yes
Bob Candari	Yes
Carlin Daley-Reaume	Absent
Lynna Do	Absent
Ernie Escovedo	Yes
Mary Kay Gallagher	Yes
Elizabeth Gomes	Yes
Heather Kitching	Yes
Diane Laszlo	Yes
Danielle Meglio	Yes
Jeanette Nakamura	Yes
Chi-Kwan Shea	Yes

The motion carried.

5. Consideration and possible recommendation to the Board on whether the education and training requirements for licensees demonstrating competence in the advanced practice area of hand therapy should be reduced.

Chair Wietlisbach welcomed ACOTE’s Director of Accreditation Teresa Brininger and thanked her for making time in her busy schedule to attend the meeting.

Chair Wietlisbach explained that Ms. Brininger was invited so that she could speak to ACOTE’s opinion on whether the Board’s regulations on post professional education and training requirements for licensees demonstrating competence in hand therapy should be reduced based on the evolution and update of ACOTE’s education requirements.

Ms. Brininger agreed with the Practice committee’s opinion that **BPC 2570.3 (e)** areas 1-5 are being met during an accredited OT program. Ms. Brininger also agreed that *area 6. Surgical procedures of the upper extremity and their postoperative course* is not being met.

- (1) *Anatomy of the upper extremity and how it is altered by pathology.*
- (2) *Histology as it relates to tissue healing and the effects of immobilization and mobilization on connective tissue.*
- (3) *Muscle, sensory, vascular, and connective tissue physiology.*
- (4) *Kinesiology of the upper extremity, such as biomechanical principles of pulleys, intrinsic and extrinsic muscle function, internal forces of muscles, and the effects of external forces.*
- (5) *The effects of temperature and electrical currents on nerve and connective tissue.*
- (6) *Surgical procedures of the upper extremity and their postoperative course.*

Ms. Bringer encouraged the committee and/or Board to write a letter to the ACOTE Educational Standards Review Committee to request that *area 6. Surgical procedures of the upper extremity and their postoperative course* be added to the required curriculum in the future.

Following a lengthy discussion pertaining to the modification of the Board's regulations surrounding the required areas of education and the correlating training hours, the committee members agreed that Chair Wietlisbach would recommend reduction of the education and training hours to the Board.

It was agreed that Interim Executive Officer Austin Porter would work with Board counsel to formulate proper regulatory language using the concepts provided in the next two motions.

- Richard Bookwalter moved to recommend to the Board modifications to CCR Section 4151 to demonstrate that subject areas 1-5 pertaining to hand therapy are now covered through ACOTE standards. Additionally subject area 6. *Surgical procedures of the upper extremity and their postoperative course* is not covered. The required contact hours should be reduced from 45 to 8 hours which will focus on subject area 6. The recommendation would also include a critical "on or after" date that coincides with the effective date of ACOTE guidelines.
- Carlin Daley Reaume seconded the motion.

Public Comment

Ada Boone Hoerl offered that she did the math while listening and it would equal 7.5 hours.

Committee Member Vote

Lynne Andonian	Absent
Christine Wietlisbach	Yes
Richard Bookwalter	Yes
Bob Candari	Yes
Carlin Daley-Reaume	Absent
Lynna Do	Absent
Ernie Escovedo	Yes
Mary Kay Gallagher	Yes
Elizabeth Gomes	Yes
Heather Kitching	Yes
Diane Laszlo	Yes
Danielle Meglio	Yes
Jeanette Nakamura	Yes
Chi-Kwan Shea	Yes

The motion carried.

- Carlin Daley Reaume moved to recommend reducing the required on-the-job, supervised training hours for Advanced Practice approval in Hand Therapy for all licensed Occupational Therapists from 480 hours to 80 hours.
- Chi-Kwan Shea seconded the motion.

Public Comment

There was no public comment.

Committee Member Vote

Lynne Andonian	Absent
Christine Wietlisbach	Yes
Richard Bookwalter	Yes
Bob Candari	Yes
Carlin Daley-Reaume	Absent
Lynna Do	Absent
Ernie Escovedo	Yes
Mary Kay Gallagher	Yes
Elizabeth Gomes	Yes
Heather Kitching	Yes
Diane Laszlo	Yes
Danielle Meglio	Yes
Jeanette Nakamura	Yes
Chi-Kwan Shea	Yes

The motion carried.

6. Consideration and possible recommendation to the Board on whether the education and training requirements for licensees demonstrating competence in the advanced practice area of swallowing assessment, evaluation, or intervention should be reduced.

Chair Wietlisbach stated that due to the length and depth of the conversation regarding hand therapy, that discussion and possible recommendation on swallowing assessment, evaluation, or intervention would be discussed at a future committee meeting.

7. New suggested agenda items for a future meeting.

There were no new suggested agenda items.

Meeting adjournment.

The meeting adjourned at 2:30 p.m.

AGENDA ITEM 8

DISCUSSION AND POSSIBLE ACTION ON LETTER FROM THE OCCUPATIONAL THERAPY ASSOCIATION OF CALIFORNIA (OTAC) TO THE ACCREDITATION COUNCIL ON OCCUPATIONAL THERAPY EDUCATION (ACOTE) REGARDING THE INCLUSION OF “SURGICAL PROCEDURES OF THE UPPER EXTREMITY AND THEIR POST OPERATIVE COURSE” AS AN EDUCATION STANDARD.

INCLUDES THE FOLLOWING:

- 8.1 LETTER FROM OTAC TO ACOTE SENT JANUARY 8, 2026.
- 8.2 DRAFT LETTER TO SUPPORT FROM CBOT TO ACOTE



Thursday, January 8, 2026

Accreditation Council for Occupational Therapy Education (ACOTE®)
American Occupational Therapy Association
6116 Executive Boulevard, Suite 200
North Bethesda, MD 20852

RE: Aligning ACOTE Standards with contemporary occupational therapy practice demands and existing regulatory expectations particularly as it relates to **upper extremity surgical procedures and their postoperative course**

Dear Members of the Accreditation Council for Occupational Therapy Education,

On behalf of the Occupational Therapy Association of California (OTAC), we respectfully submit this request for consideration as ACOTE undertakes revisions to the ACOTE Standards for occupational therapy education in the United States. OTAC represents occupational therapy practitioners, educators, and students across California and is committed to advancing high-quality, consistent occupational therapy education and workforce preparedness.

OTAC requests that ACOTE consider adding **surgical procedures of the upper extremity and their postoperative course** as an explicit educational requirement within the **B standards** for entry-level occupational therapy education.

Rationale

In California, occupational therapists must seek approval from the California Board of Occupational Therapy (CBOT) to practice in “advanced areas” such as hand therapy and are required to demonstrate competency in foundational content areas as outlined by CBOT. These include:

- Upper extremity anatomy and alterations due to pathology
- Histology as it relates to tissue healing
- Effects of immobilization and mobilization on connective tissue, muscle, sensory, and vascular systems
- Upper extremity kinesiology, including biomechanical principles, intrinsic and extrinsic muscle function, and internal and external forces
- Physiological effects of temperature and electrical currents on nerve and connective tissue
- **Surgical procedures of the upper extremity** and postoperative management



Notably, all of these content areas—**with the exception of surgical procedures of the upper extremity**—are already strongly represented within current ACOTE Standards and are commonly addressed in entry-level occupational therapy curricula nationwide.

Education related to upper extremity surgical procedures and postoperative care, however, is inconsistently taught across programs. This variability results in uneven preparation of graduates entering practice settings where occupational therapists routinely evaluate and treat clients following surgery, particularly in hand therapy and orthopedic practice.

Impact on Practice and Regulation

The absence of a national educational standard addressing upper extremity surgical procedures necessitates additional state-level regulatory mechanisms, such as California’s Advanced Practice in Hand Therapy requirements, to ensure practitioner competency and public safety. If this content were included as a required component of entry-level education through ACOTE Standards, graduates would enter practice with a more consistent and comprehensive foundation.

Such a change would:

- Improve consistency in educational preparation across occupational therapy programs
- Enhance readiness for practice in hand therapy and related settings
- Support public protection through standardized foundational knowledge
- Reduce reliance on state-specific advanced practice restrictions, including the need for separate advanced practice designations in California

Importantly, this request does not seek to expand entry-level education beyond appropriate scope, but rather to align ACOTE Standards with contemporary occupational therapy practice demands and existing regulatory expectations.

In California, the current Advanced Practice in Hand Therapy regulatory structure also has practical implications for service delivery across care settings. For example, in inpatient hospital environments, occupational therapists without Advanced Practice authorization may be restricted from treating people with post-upper extremity surgical procedures, despite having the requisite foundational knowledge and skills. As a result, outpatient occupational therapists with Advanced Practice authorization are often required to enter the inpatient setting to provide care. When this is not feasible, referrals may be redirected to other rehabilitation disciplines. These scenarios create delays in care, limit efficient use of the occupational therapy workforce, and place operational burdens on managers and supervisors who must navigate coverage challenges to ensure continuity of services.



Request

OTAC respectfully requests that ACOTE consider the inclusion of **upper extremity surgical procedures and their postoperative course** as an additional educational requirement within the B standards in the next iteration of the ACOTE Standards for entry-level occupational therapy education.

We appreciate ACOTE's leadership in advancing high-quality occupational therapy education and welcome the opportunity to provide further information or engage in continued dialogue as part of the standards review process.

A handwritten signature in black ink that reads "Samia H. Rafeedie". The signature is written in a cursive style with a large initial "S".

Samia H. Rafeedie, OTD, OTR/L, BCPR, CBIS, FAOTA
President, Occupational Therapy Association of California



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



****DRAFT****

Date TBD

Accreditation Council for Occupational Therapy Education (ACOTE®)
American Occupational Therapy Association
6116 Executive Boulevard, Suite 200
North Bethesda, MD 20852

RE: Support for Inclusion of Surgical Procedures of the Upper Extremity and Their Postoperative Course in the ACOTE Standards

Dear Members of the Accreditation Council for Occupational Therapy Education,

The California Board of Occupational Therapy (CBOT) writes to express our strong support for the request submitted by the Occupational Therapy Association of California (OTAC) regarding the inclusion of upper extremity surgical procedures and their postoperative course as an explicit educational requirement within the B standards for entry-level occupational therapy education.

As the regulatory body for occupational therapy practice in California, CBOT is committed to ensuring public protection through competent and consistent practitioner preparation. Currently, California requires occupational therapists to obtain advanced practice approval before providing hand therapy services, which includes demonstrating completion of education and training in six foundational content areas, per California's Occupational Therapy Practice Act (section 2570.3). These content areas are:

- Anatomy of the upper extremity and how it is altered by pathology.
- Histology as it relates to tissue healing and the effects of immobilization and mobilization on connective tissue.
- Muscle, sensory, vascular, and connective tissue physiology.
- Kinesiology of the upper extremity, such as biomechanical principles of pulleys, intrinsic and extrinsic muscle function, internal forces of muscles, and the effects of external forces.
- The effects of temperature and electrical currents on nerve and connective tissue.
- **Surgical procedures of the upper extremity and their postoperative course.**

While most of these areas are well represented in existing ACOTE Standards, education related to surgical procedures and postoperative care remains inconsistent across programs.



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This gap in standardized education has practical implications for both patient care and workforce utilization. In many clinical settings, occupational therapists without Advanced Practice authorization may be restricted from treating individuals following upper extremity surgery, even when they possess the necessary foundational knowledge. These limitations can lead to delays in care, increased operational burdens, and inefficiencies in service delivery.

Including this content in ACOTE Standards would:

- Promote consistency in educational preparation across all entry-level programs nationwide.
- Enhance readiness for practice in hand therapy and orthopedic settings.
- Support public safety through standardized foundational knowledge.
- Reduce reliance on state-specific advanced practice mechanisms, streamlining regulatory processes.

CBOT believes this change aligns with contemporary practice demands and supports the profession's ability to deliver timely, high-quality care. We commend ACOTE for its leadership in advancing occupational therapy education and encourage consideration of this important addition during the upcoming standards review.

Thank you for your attention to this matter. We welcome the opportunity to provide further input or collaboration as needed.

Sincerely,

Beata Morcos
Board President
California Board of Occupational Therapy

AGENDA ITEM 9

PRESENTATION FROM THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) ON THE EXAM VALIDATION PROCESS.

INCLUDES THE FOLLOWING:

- 9.1 OPES PRESENTATION SLIDES.
- 9.2 DRAFT INTERAGENCY CONTRACT FOR OCCUPATIONAL ANALYSIS.
- 9.3 DRAFT INTERAGENCY CONTRACT FOR NATIONAL EXAM REVIEW
- 9.4 OPES BROCHURES REGARDING OCCUPATIONAL ANALYSIS AND NATIONAL EXAM REVIEW PROCESS.



CALIFORNIA DEPARTMENT OF
CONSUMER
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Office of Professional Examination Services



Occupational Analysis and National Review Processes



CALIFORNIA BOARD OF
CBOT
OCCUPATIONAL THERAPY

February 26, 2026

Amy Welch Gandy, MA, Chief
Karen Okicich, MA, Research Data Supervisor

1



CALIFORNIA DEPARTMENT OF
CONSUMER
AFFAIRS



Overview

- ▶ About OPES
- ▶ Occupational Analysis Process
- ▶ National Review Process
- ▶ Questions

2

Who is OPES?

OPES' Mission: "To protect consumers by developing and delivering fair and valid licensing examinations."

- ▶ OPES is an internal consultant to DCA boards, bureaus, and committees
- ▶ OPES manages a computer-based testing contract for examination administration through PSI

3

The Office of Professional Examination Services provides:

- ▶ Professional guidance and oversight in examination validation and development
- ▶ Recommendations based on regulations, professional guidelines, and technical standards related to licensure examinations
- ▶ Management of DCA-wide computer-based testing contract for examination administration

4




OPES Clients

Boards	Bureaus	Committees
<ul style="list-style-type: none"> ■ Accountancy ■ Acupuncture ■ Architects ■ Barbering and Cosmetology ■ Behavioral Sciences ■ Chiropractors ■ Contractors ■ Court Reporters ■ Dental ■ Dental Hygiene ■ Optometry 	<ul style="list-style-type: none"> ■ Pharmacy ■ Physical Therapy ■ Psychology ■ Registered Nursing ■ Speech-Language Pathology and Audiology and Hearing Aid Dispensers ■ Structural Pest Control ■ Vocational Nursing and Psychiatric Technicians 	<ul style="list-style-type: none"> ■ Automotive Repair ■ Cemetery and Funeral ■ Household Goods and Services ■ Professional Fiduciaries ■ Security and Investigative Services

5




OPES Mandate:

Business & Professions Code (BPC) §139

- ▶ Licensure examinations be based on an occupational analysis conducted approximately every 5 years
- ▶ Examinations be regularly evaluated for validity and fairness

OPES is the internal resource for examination evaluation and development for DCA.

6

Implementing BPC § 139

- ▶ DCA Policy OPES 22-01 *Licensure Examination Validation*
- ▶ DCA Policy OPES 20-01 *Participation in Examination Development Workshops*
- ▶ DCA DPM OPES 22-01 Examination Security
- ▶ *Standards for Educational and Psychological Testing (2014)*
(American Educational Research Association, American Psychological Association, National Council on Measurement in Education)

7

Requirements for Licensure Examinations

- ▶ Must provide a reliable method for identifying practitioners who are able to practice safely and competently
- ▶ Must focus on **entry-level** tasks and knowledge important for **public protection**
- ▶ Relies on subject matter experts (SMEs) in all phases of examination development to ensure that the examination reflects current practice

8

Examination Development Cycle



9



10

Occupational Analysis Mandate

- ▶ Comprehensive, systematic study of the profession that provides a description of current practice
 - ▶ Identifies **entry-level** tasks
 - ▶ Identifies essential knowledge required for **safe and competent** performance of critical entry-level tasks
- ▶ Provides the basis of job-related, fair, and legally defensible examinations
- ▶ Provides the basis for legislation and policies
- ▶ Should be conducted every 5 years

11

Occupational Analysis Process

- 
 ▶ Research the profession and conduct SME phone interviews
- 
 ▶ Develop task and knowledge statements with SMEs
- 
 ▶ Develop and administer OA survey
- 
 ▶ Analyze survey data and demographics
- 
 ▶ Review survey results with SMEs
- 
 ▶ Develop examination content outline with SMEs

12

BPC §139 Requirements for National Examination Reviews

- ▶ Must meet psychometric and legal standards
- ▶ California practitioners must be represented
- ▶ Must be reviewed for California content

13

Review of National Examinations



Psychometric
and security
evaluation



SME comparison of
national OA to
California OA



Identification of any
critical entry level content
that is not assessed

14

Psychometric Evaluation

 Evaluate occupational analysis	 Review procedures for developing examination
 Review procedures for establishing passing scores	 Review examination scoring and passing rates
 Review administration and security procedures	 Review information available to candidates

15

OPES recommendations are based on the results of the OA and National Review



- OPES recommendation:**
- National examination
 - California law examination



- OPES recommendation:**
- National examination
 - California-specific law and practice examination



- OPES recommendation:**
- California examination

16

Questions





CONTRACT NUMBER IAC#01700	AMENDMENT NUMBER
-------------------------------------	------------------

INTRA-AGENCY CONTRACT

- This Contract is entered into between the Board/Bureau/Divisions named below
 REQUESTING BOARD/BUREAU/DIVISION'S NAME
California Board of Occupational Therapy (Board)
 PROVIDING BOARD/BUREAU/DIVISION'S NAME
Office of Professional Examination Services (OPES)
- The term of this Contract is: **July 1, 2026 through June 30, 2027**
- The maximum amount of this Contract is: **\$86,164**
- The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Contract:

Occupational Therapist and Occupational Therapist Assistant, Occupational Analysis

- Exhibit A – Scope of Work 1 Page
 - Attachment I – Project Plan 2 Pages
 - Attachment II – Roles and Responsibilities 4 Pages
- Exhibit B – Budget Detail and Payment Provisions 1 Page
 - Attachment I – Cost Sheets 2 Pages
- Exhibit C – General Terms and Conditions 1 Page
- Exhibit D – Special Terms and Conditions 1 Page

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IN WITNESS WHEREOF, this Contract has been executed by the parties hereto.

DEPARTMENT OF CONSUMER AFFAIRS	Department of Consumer Affairs Contracts Unit <i>Use Only</i>
REQUESTING BOARD/BUREAU/DIVISION'S NAME California Board of Occupational Therapy	
BY (Authorized Signature) _____ DATE SIGNED _____	
PRINTED NAME AND TITLE OF PERSON SIGNING Austin Porter, Interim Executive Officer	
ADDRESS 1610 Arden Way, Suite 121, Sacramento, CA 95815	
BUDGET OFFICER'S SIGNATURE _____	
DEPARTMENT OF CONSUMER AFFAIRS	
PROVIDING BOARD/BUREAU/DIVISION'S NAME Office of Professional Examination Services (OPES)	
BY (Authorized Signature) _____ DATE SIGNED _____	
PRINTED NAME AND TITLE OF PERSON SIGNING Amy Welch Gandy, Chief	
ADDRESS 2420 Del Paso Road, Suite 265, Sacramento, CA 95834	
BUDGET OFFICER'S SIGNATURE _____	

EXHIBIT A

SCOPE OF WORK

1. The Office of Professional Examination Services (OPES) agrees to provide the following services:

Identify critical competencies of occupational therapist and occupational therapist assistants, develop description of practice, produce validation report.

The California Board of Occupational Therapy (Board) agrees to provide the following services:

See attached: I. Project Plan
II. Roles and Responsibilities

2. The project representatives during the term of this Contract will be:

Requesting Board:

Office of Professional Examination Services:

Name: Austin Porter, Interim Executive Officer
Phone: (916) 263-5189

Name: Amy Welch Gandy, Chief
Phone: (916) 574-7741

Direct all Contract inquiries to:

**Department of Consumer Affairs
Contracts Unit:**

Address: 1625 North Market Blvd., Suite S-103
Phone: (916) 574-7277
Fax: (916) 574-8652

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INTRA-AGENCY CONTRACT (IAC) #01700
PROJECT PLAN
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
OCCUPATIONAL THERAPIST AND OCCUPATIONAL THERAPIST ASSISTANT
OCCUPATIONAL ANALYSIS
FISCAL YEAR 2026-27

Project Objectives:	<i>Identify critical competencies of occupational therapist and occupational therapist assistants, develop description of practice, produce validation report.</i>
Completion Date:	June 30, 2027
Board Contact:	Austin Porter 916-263-5189
OPES Contact:	Amy Welch Gandy 916-574-7741
Project start date subject to OPES scheduling availability.	

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
1. Review Background Information <ul style="list-style-type: none"> > Review past occupational analyses (OAs) > Review changes in law and practice > Identify emerging trends and considerations > Communicate upcoming OA to occupational therapists > Collect licensee contact information 	July 2026 July 2026 July 2026 July 2026 July 2026	OPES Board/OPES Board/OPES Board Board
2. Develop Job Content and Structure <ul style="list-style-type: none"> > Recruit SMEs for interviews > Provide list of SMEs to OPES > Schedule and conduct interviews > Transcribe interview information > Develop preliminary list of task and knowledge statements 	August 2026 August 2026 August 2026 August 2026 August 2026	Board Board OPES OPES OPES
3. Review Task and Knowledge Statements (Remote) <ul style="list-style-type: none"> > Recruit SMEs for 2-day workshop > Provide list of SMEs to OPES > Conduct 2-day workshop with SMEs > Revise task and knowledge statements 	August 2026 October 2026 October 2026 October 2026	Board Board OPES/SMEs OPES
4. Review Task and Knowledge Statements (Remote) <ul style="list-style-type: none"> > Recruit SMEs for 2-day workshop > Provide list of SMEs to OPES > Conduct 2-day workshop with SMEs > Revise task and knowledge statements 	September 2026 November 2026 November 2026 November 2026	Board Board OPES/SMEs Board
5. Construct and Distribute Pilot Study of Questionnaires <ul style="list-style-type: none"> > Develop demographic items and rating scales > Review of occupational analysis pilot studies > Prepare survey for pilot studies > Prepare text for invitation for pilot studies and final distribution (presurvey, survey, follow-up) of questionnaire > Prepare announcement of occupational analyses in newsletter or other media > Distribute survey for pilot study to selected participants > Download pilot study data files for analysis 	November 2026 November 2026 December 2026 December 2026 December 2026 December 2026 December 2026	Board/OPES Board/OPES OPES Board Board Board/OPES OPES
6. Construct and Distribute Final Questionnaires <ul style="list-style-type: none"> > Prepare draft of final questionnaires > Determine sampling plans > Provide master files of contact information > Prepare final questionnaires > Assemble and distribute questionnaire invitations to participants > Send follow-ups two weeks after distribution of questionnaires 	January 2027 January 2027 January 2027 January 2027 January 2027 February 2027	OPES OPES OPES OPES OPES Board/OPES

INTRA-AGENCY CONTRACT (IAC) #01700
PROJECT PLAN
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
OCCUPATIONAL THERAPIST AND OCCUPATIONAL THERAPIST ASSISTANT
OCCUPATIONAL ANALYSIS
FISCAL YEAR 2026-27

Project Objectives:	<i>Identify critical competencies of occupational therapist and occupational therapist assistants, develop description of practice, produce validation report.</i>
Completion Date:	June 30, 2027
Board Contact:	Austin Porter 916-263-5189
OPES Contact:	Amy Welch Gandy 916-574-7741

Project start date subject to OPES scheduling availability.

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
7. Analyze Data		
> Download final questionnaire data files	February 2027	OPES
> Convert and merge data files for analyses	February 2027	OPES
> Analyze demographics and task and knowledge ratings	February 2027	OPES
> Develop preliminary description of practices	February 2027	OPES
8. Review Results of Occupational Analysis (Remote)		
> Recruit SMEs for 2-day workshop	January 2027	Board
> Provide list of SMEs to OPES	March 2027	Board
> Conduct 2-day workshop with SMEs	March 2027	OPES/SMEs
> Develop description of practices	March 2027	OPES
9. Prepare Validation Reports		
> Prepare draft of validation reports	April 2027	OPES
> Prepare, print, and submit final validation reports	June 2027	OPES

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INTRA-AGENCY CONTRACT (IAC) #01700
ROLES AND RESPONSIBILITIES
for
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
OCCUPATIONAL THERAPIST AND OCCUPATIONAL THERAPIST
OCCUPATIONAL ANALYSIS
FISCAL YEAR 2026-27

INTRODUCTION

The Office of Professional Examination Services (OPES) of the Department of Consumer Affairs (DCA) provides psychometric consulting in examination development and occupational analysis to DCA's regulatory entities through intra-agency contracts (IACs).

A current California occupational analysis (OA) of a profession is required to assess the validity of the national examination content for California practice. The results of the OA include a description of practice in terms of the most critical tasks and knowledge required for entry level practice in California. The results of the California OA are compared with the results of the national OA to evaluate the extent to which California specific practice is assessed.

The OA requires a total of approximately 40 licensed occupational therapists and 20 licensed occupational therapist assistants to serve as expert consultants, also known as subject matter experts (SMEs).

During the information-gathering phase of the project, approximately 10 occupational therapist SMEs and 5 occupational therapist assistant SMEs will participate in telephone interviews to identify tasks and essential knowledge. Interviews will be conducted as long as new information is being generated.

Workshops will be held to evaluate and refine the task and knowledge statements. Each workshop requires a minimum of 6 SMEs, with a goal of 8–10 SMEs. Some of the SMEs may participate in both interviews and workshops. If 6 SMEs are not available to participate, a workshop may need to be held with fewer SMEs.

A survey based on the interview information will be developed and sent to all or a proportionate sample of individuals licensed as occupational therapists and occupational therapist assistants throughout California.

The results of the surveys and the workshops will be compiled into descriptions of practice and two validation reports will be prepared.

ROLE OF THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

The primary role of the Board of Occupational Therapy (Board) is to recruit a representative sample of SMEs to participate in the OA interviews and workshops. It is essential that a Board representative consult with OPES before beginning SME recruitment. When recruiting, the Board should inform SMEs about the nature of their participation and about OPES security and conflict of interest requirements.

The selection of SMEs critically affects the quality and defensibility of a licensure examination. The SMEs selected to participate in an OA workshop should:

- Reflect the occupational therapists and occupational therapist assistants in terms of geographic location, practice specialty area, ethnicity, and gender.
- Be currently working in the field and have up-to-date skills.
- Maintain a license in good standing that is neither retired nor inactive.

Additionally, approximately half of all SMEs in each workshop should have received their license within the past 5 years to ensure that an entry-level perspective is maintained.

Due to potential conflict of interest, undue influence, security considerations, or all the above, board members, committee members, and instructors will not serve as SMEs for, nor participate in, any aspect of licensure examination development or administration, pursuant to DCA Policy OPES 22-01 Participation in Examination Development Workshops.

The Board is also responsible for acquiring any reference materials to be used by the SMEs in the development of the OA.

The nature of the work collaboratively performed under this Contract can result in unanticipated changes. For example, work may be completed ahead of or behind schedule. Flexibility on the part of both parties is essential to the success of this Contract.

ROLE OF THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES

The primary role of OPES is to conduct the OA and to provide to the Board two validation reports. OPES will use a content validation strategy to link the job task and knowledge statements directly to critical content areas of practice.

The OA begins with telephone interviews of SMEs who represent different aspects of the professions. During the interviews, SMEs identify categories of work and the tasks performed in each category. SMEs also identify the knowledge necessary to perform each task. OPES transcribes the information from the interviews and develops preliminary lists of task and knowledge statements.

Two panels of SMEs evaluate the task and knowledge statements. OPES then develops questionnaires based on the task and knowledge statements. The questionnaires ask occupational therapists and occupational therapist assistants to provide demographic information and to rate each task and knowledge statement against job-related criteria.

OPES analyzes the demographic characteristics and questionnaire ratings of all respondents. One panel of SMEs evaluate the results of the analysis and develops a description of practice for occupational therapists and a description of practice for occupational therapist assistants.

After each workshop, OPES and Board staff will review the performance of each SME to determine those who should be invited back.

The nature of the work collaboratively performed under this contract can result in unanticipated changes. For example, work may be completed ahead of or behind schedule. Flexibility on the part of both parties is essential to the success of this agreement.

SECURITY

OPES has implemented various controls to ensure the integrity, security, and confidentiality of licensure examination workshops. These controls include prohibiting certain items, such as electronic devices and items that could potentially conceal recording devices, in all workshops.

SMEs are required to:

- Provide valid photo identification.
- Allow their electronic devices to be secured in the reception area during workshops.
- Sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensure examination materials and information to which they have access.

Any person who fails to comply with OPES' security requirements will not be allowed to participate in licensure examination workshops. In addition, any person who subverts or attempts to subvert a licensure examination will face serious consequences, which may include loss of license, criminal charges per Business and Professions (B&P) Code § 123, or both.

OPES will notify the Board of any SME whose conduct during a workshop violates policy or whose presence is disruptive. OPES reserves the right to immediately dismiss any SME whose presence poses a security risk. OPES will take steps to manage disruptive behavior; however, if such behavior persists or prevents other SMEs from completing their tasks, or both, OPES may dismiss the person from the workshop.

SUMMARY OF EVENTS

- The Board recruits a representative group of SMEs for interviews. The Board initiates the process by informing the SMEs that staff from OPES will call them to schedule interviews.
- OPES schedules and interviews SMEs and transcribes the information into preliminary lists of task and knowledge statements.
- The Board recruits two panels of SMEs to evaluate the list of task and knowledge statements. During the workshops, the SMEs work with OPES staff to evaluate the list for technical accuracy, clarity, and consistency. New task and knowledge statements are developed as needed.
- OPES develops online questionnaires to obtain demographic data and ratings of the task and knowledge statements. The demographic data, such as years of experience and number of hours worked per week, assist in the interpretation of the ratings.
- OPES assists the Board with distributing invitations to complete the online questionnaires to a set of occupational therapists and occupational therapist assistants determined by the Board.
- OPES analyzes the data from the questionnaires.
- The Board recruits one panel of SMEs to review the results of the questionnaires and to develop descriptions of practice for both occupational therapists and occupational therapist assistants.
- OPES prepares validation reports and submits them to the Board.

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EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

- A. For services satisfactorily rendered and upon receipt and approval of the invoices, the California Board of Occupational Therapy (Board) agrees to compensate the Office of Professional Examination Services (OPES) for services rendered and expenditures incurred.
- B. Invoices shall include the Contract number and shall be submitted on a quarterly basis for the cost of services completed as identified in Exhibit B, Attachment I; any related travel expenses will be billed as actuals. Signed/approved invoices from the Board will be due to OPES fifteen (15) working days from the date of invoice billings. OPES will then submit the approved invoices to the Department of Consumer Affairs for processing and payment. Invoices will be submitted to:

Austin Porter, Interim Executive Office
California Board of Occupational Therapy
1610 Arden Way, Suite 121
Sacramento, CA 95815
- C. The Board will reimburse OPES for the partial performance (e.g. workshop preparation, rescheduling) of any services provided by OPES if the Board does not fulfill, in good faith, their roles and responsibilities as defined by Exhibit A, Attachment II.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year or any subsequent years covered under this Contract does not appropriate sufficient funds for the program, this Contract shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to OPES or to furnish any other considerations under this Contract and OPES shall not be obligated to perform any provisions of this Contract.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Contract with no liability occurring to the State or offer a Contract amendment to OPES to reflect the reduced amount.

3. Payment

- A. Costs for this Contract shall be computed in accordance with State Administrative Manual §§ 8752 and 8752.1.
- B. Nothing herein contained shall preclude advance payments pursuant to Title 2, Division 3, Part 1, Chapter 3, Article 1 of the California Government Code.

4. Costs

- A. Costs for this Contract are subject to any collective bargaining agreements negotiated in Fiscal Year 2000/2001 or thereafter.

INTRA-AGENCY CONTRACT (IAC) #01700
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
OCCUPATIONAL THERAPIST AND OCCUATIONAL THERAPIST
ASSISTANT
OCCUPATIONAL ANALYSIS COSTS
FISCAL YEAR 2026-27

1. Review Background Information	\$ 4,816
2. Develop Job Content and Structure	\$13,568
3. Review Task and Knowledge Statements	\$ 6,708
4. Review Task and Knowledge Statements	\$ 6,708
5. Construct and Distribute Pilot Study of Questionnaire	\$13,496
6. Construct and Distribute Final Questionnaire	\$ 7,224
7. Analyze Data	\$ 8,944
8. Review Results of Occupational Analysis	\$ 7,396
9. Prepare Validation Report	\$10,744
Administrative Support	\$ 6,560
TOTAL	\$86,164

Fund: 3017
Reporting Structure: 11112400
Program Code: 1190
Account Code (with Alt): 5342500001

INTRA-AGENCY CONTRACT (IAC) #01700
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
OCCUPATIONAL THERAPIST AND OCCUATIONAL THERAPIST ASSISTANT
OCCUPATIONAL ANALYSIS COSTS
FISCAL YEAR 2026-27

	Test Validation Staff				Editor		Support Staff		Totals	GRAND TOTAL
	\$86		\$122		\$80		\$62			
	Hours	Cost	OT Hours	OT Cost	Hours	Cost	Hours	Cost		
1. Review Background Information										\$ 4,816
Review past occupational analyses	16	\$ 1,376							\$ 1,376	
Review changes in law and practice	24	\$ 2,064							\$ 2,064	
Identify emerging trends and considerations	16	\$ 1,376							\$ 1,376	
2. Develop Job Content and Structure										\$13,568
Schedule and conduct 15 interviews	60	\$ 5,160							\$ 5,160	
Transcribe interview information	18	\$ 1,548							\$ 1,548	
Develop preliminary list of task and knowledge statements	50	\$ 4,300			32	\$ 2,560			\$ 6,860	
3. Review Task and Knowledge Statements (Remote)										\$ 6,708
Prepare for 2-day workshop	16	\$ 1,376					2	\$ 124	\$ 1,500	
Conduct 2-day workshop	16	\$ 1,376	4	\$ 488					\$ 1,864	
Revise task and knowledge statements	24	\$ 2,064			16	\$ 1,280			\$ 3,344	
4. Review Task and Knowledge Statements (Remote)										\$ 6,708
Prepare for 2-day workshop	16	\$ 1,376					2	\$ 124	\$ 1,500	
Conduct 2-day workshop	16	\$ 1,376	4	\$ 488					\$ 1,864	
Revise task and knowledge statements	24	\$ 2,064			16	\$ 1,280			\$ 3,344	
5. Construct and Distribute Pilot Study of Questionnaires										\$13,496
Develop demographic items and rating scales	16	\$ 1,376							\$ 1,376	
Prepare draft of pilot studies	32	\$ 2,752			32	\$ 2,560			\$ 5,312	
Prepare final pilot studies	16	\$ 1,376			12	\$ 960			\$ 2,336	
Configure survey instruments	32	\$ 2,752							\$ 2,752	
Conduct pilot studies	20	\$ 1,720							\$ 1,720	
6. Construct and Distribute Final Questionnaires										\$ 7,224
Determine notification/sampling plans	32	\$ 2,752							\$ 2,752	
Review pilot study results	20	\$ 1,720							\$ 1,720	
Construct questionnaires for final launch	12	\$ 1,032							\$ 1,032	
Conduct final questionnaires	20	\$ 1,720							\$ 1,720	
7. Analyze Data										\$ 8,944
Download data files	12	\$ 1,032							\$ 1,032	
Convert and merge data files for final analyses	40	\$ 3,440							\$ 3,440	
Analyze demographics, task and knowledge statements	32	\$ 2,752							\$ 2,752	
Develop description of practice	20	\$ 1,720							\$ 1,720	
8. Review Results of Occupational Analyses (Remote)										\$ 7,396
Prepare for 2-day workshop	16	\$ 1,376					2	\$ 124	\$ 1,500	
Conduct 2-day workshop	16	\$ 1,376	4	\$ 488					\$ 1,864	
Develop description of practice/examination outlines	32	\$ 2,752			16	\$ 1,280			\$ 4,032	
9. Prepare Validation Reports										\$10,744
Prepare draft of reports	52	\$ 4,472			32	\$ 2,560			\$ 7,032	
Prepare, print, and submit final validation reports	32	\$ 2,752			12	\$ 960			\$ 3,712	
Administrative Support										\$ 6,560
Technical oversight (40 hours @ \$91/hour)									\$ 3,640	
Cost oversight (40 hours @ \$73/hour)									\$ 2,920	
TOTAL	748	\$64,328	12	\$1,464	168	\$13,440	6	\$372		\$86,164

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **Approval:**

This Contract is not valid until signed by both parties.

2. **Payment:**

Costs for this Contract shall be computed in accordance with State Administrative Manual §§ 8752 and 8752.1.

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EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Cooperation**

The Office of Professional Examination Services (OPES) is entering into a partnership with the California Board of Occupational Therapy (Board) in which cooperation is the overriding principle.

2. **Evaluation**

OPES and the Board reserve the right to evaluate progress, make midcourse corrections as needed, and to negotiate changes to this Contract as necessary to ensure a high-quality examination program. This may affect the cost of the analysis.

3. **Examination Criteria**

The primary responsibility of OPES is to develop examinations that are psychometrically sound, legally defensible, and job related.

4. **Good Faith**

In good faith, OPES believes that the project steps accurately describe the work to be performed and that the costs are reasonable. This Contract will remain in effect until the work is completed.

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INTRA-AGENCY CONTRACT

CONTRACT NUMBER IAC#01701	AMENDMENT NUMBER
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- This Contract is entered into between the Board/Bureau/Divisions named below
 REQUESTING BOARD/BUREAU/DIVISION'S NAME
California Board of Occupational Therapy (Board)
 PROVIDING BOARD/BUREAU/DIVISION'S NAME
Office of Professional Examination Services (OPES)
- The term of this Contract is: **July 1, 2027 through June 30, 2028**
- The maximum amount of this Contract is: **\$36,912**
- The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Contract:
Occupational Therapist, Review of National Occupational Therapist Registered Examination, Certified Occupational Therapy Assistant and Linkage Study
 - Exhibit A – Scope of Work 1 Page
 - Attachment I – Project Plan 1 Page
 - Attachment II – Roles and Responsibilities 4 Pages
 - Exhibit B – Budget Detail and Payment Provision 1 Page
 - Attachment I – Cost Sheets 2 Pages
 - Exhibit C – General Terms and Conditions 1 Page
 - Exhibit D – Special Terms and Conditions 1 Page

IN WITNESS WHEREOF, this Contract has been executed by the parties hereto.

DEPARTMENT OF CONSUMER AFFAIRS	Department of Consumer Affairs Contracts Unit Use Only
REQUESTING BOARD/BUREAU/DIVISION'S NAME California Board of Occupational Therapy	
BY (Authorized Signature)	DATE SIGNED
PRINTED NAME AND TITLE OF PERSON SIGNING Austin Porter, Interim Executive Officer	
ADDRESS 1610 Arden Way, Suite 121, Sacramento, CA 95815	
BUDGET OFFICER'S SIGNATURE	
DEPARTMENT OF CONSUMER AFFAIRS	
PROVIDING BOARD/BUREAU/DIVISION'S NAME Office of Professional Examination Services	
BY (Authorized Signature)	DATE SIGNED
PRINTED NAME AND TITLE OF PERSON SIGNING Amy Welch Gandy, Chief	
ADDRESS 2520 Del Paso Road, Suite 265, Sacramento, CA 95834	
BUDGET OFFICER'S SIGNATURE	

EXHIBIT A

SCOPE OF WORK

1. The Office of Professional Examination Services (OPES) agrees to provide the following services:

Review of OTR, COTA and Linkage Study.

The California Board of Occupational Therapy (Board) agrees to provide the following services:

See attached: I. Project Plan
II. Roles and Responsibilities

2. The project representatives during the term of this agreement will be:

Requesting Board:

Name: Austin Porter, Interim Executive Officer
Phone: (916) 263-5189

Office of Professional Examination Services:

Name: Amy Welch Gandy, Chief
Phone: (916) 574-7741

Direct all agreement inquiries to:

**Department of Consumer Affairs
Contracts Unit:**

1625 North Market Blvd., Suite S-103
Sacramento, CA 95834
Phone: (916) 574-7296
Fax: (916) 574-8658

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**INTRA-AGENCY CONTRACT (IAC) #01701
PROJECT PLAN
FOR
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
OCCUPATIONAL THERAPIST
REVIEW OF NATIONAL OCCUPATIONAL THERAPIST REGISTERED (OTR) EXAMINATION, CERTIFIED
OCCUPATIONAL THERAPY ASSISTANT (COTA), AND LINKAGE STUDY
FISCAL YEAR 2027-28**

Project Objectives: *Review of OTR, COTA, and Linkage Study*

Project Completion Date: **June 30, 2028**

Board Contact: Austin Porter
916-263-5189

OPES Contact: Amy Welch Gandy
916-574-7741

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
1. Review Background Information > Obtain OTR and COTA occupational analyses (OAs) and examination materials > Obtain California OA of occupational therapist and occupational therapist assistant professions > Review OTR, COTA, and California occupational analyses > Review OTR and COTA examination information	July 2027 July 2027 September 2027 September 2027	OPES OPES OPES OPES
2. Review Psychometric Quality and Security of OTR and COTA > Evaluate psychometric quality of OTR and COTA > Evaluate security protocols for OTR and COTA	October 2027 October 2027	OPES OPES
3. Conduct Linkage Study (Remote) > Contact SMEs for linkage study workshop > Prepare for linkage study workshop > Conduct 2-day workshop with SMEs > Compile workshop findings	August 2027 October 2027 November 2027 November 2027	OPES OPES OPES/SMEs OPES
4. Evaluate Linkage Study Results > Evaluate linkage study results and integrate review findings > Evaluate acceptability of OTR and COTA for California licensure decisions	December 2027 December 2027	OPES OPES
5. Submit Reports > Prepare draft reports > Finalize reports > Prepare, print, and submit final reports	January 2028 February 2028 April 2028	OPES OPES OPES

NOTE:
 Multiple factors can affect the time frames for completion of the project. These include: attorney negotiations regarding the non-disclosure agreement and the length of time it takes the national and its vendors to respond to requests for information.

INTRA-AGENCY CONTRACT (IAC) #01701
ROLES AND RESPONSIBILITIES
FOR
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
OCCUPATIONAL THERAPIST
Review of National Occupational Therapist Registered (OTR)
Examination, Certified Occupational Therapist Assistant (COTA)
Examination and Linkage Study
FISCAL YEAR 2027-28

INTRODUCTION

The Office of Professional Examination Services (OPES) of the Department of Consumer Affairs (DCA) provides psychometric consulting in examination development and occupational analysis to DCA's regulatory entities through intra-agency contracts (IACs).

The purpose of a licensure examination is to identify individuals who have the minimum skills and knowledge to perform job tasks safely and competently. The content of the examination should be based upon the results of an occupational analysis (OA) to ensure that the examination assesses the most critical competencies of the profession.

The California Business and Professions (B&P) Code § 139 requires all licensing boards and bureaus within DCA to ensure that examination programs used in the California licensure process comply with psychometric and legal standards. Pursuant to this mandate, the California Board of Occupational Therapy (Board) must evaluate the National Occupational Therapist Registered (OTR) Examination and Certified Occupational Therapist Assistant (COTA) Examination for continued use in California.

The review process requires that a linkage study be performed to demonstrate the extent to which the content of the OTR and COTA reflect the content identified in the most recent California OAs of the occupational therapist and occupational assistant professions. The linkage study requires a minimum of 8, with a goal of 10, occupational therapists and occupational therapist assistants to serve as subject matter experts (SMEs) in a workshop to compare the content of the OTR and COTA to the examination specifications derived from the California OAs of the occupational therapist and occupational therapist assistant professions. If 8 SMEs are not available to participate, a workshop may need to be held with fewer SMEs.

ROLE OF THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

The primary role of the California Board of Occupational Therapy (Board) is to recruit a representative sample of SMEs to participate in the linkage study workshop. The Board will inform SMEs about the nature of their participation and about OPES security requirements.

The selection of SMEs critically affects the quality and defensibility of a licensure examination. Therefore, the SMEs selected to participate in an examination review workshop panel should:

- Reflect the profession in terms of geographic location, practice specialty area, ethnicity, and gender.
- Represent the current pool of practitioners.
- Possess current skills and a valid license in good standing.
- Articulate specialized technical knowledge related to the profession.

Additionally, approximately half of all SMEs in the workshop should have received their license within the past 5 years to ensure that an entry-level perspective is maintained.

The Board agrees to recruit SMEs to build a competent pool of representative, productive participants.

Due to potential conflict of interest, undue influence, security considerations, or all of the above, board members, committee members, and instructors shall not serve as SMEs for, nor participate in, any aspect of licensure examination development, administration, or validation, pursuant to DCA Policy OPES 22-01 Participation in Examination Development Workshops.

In the recruitment process, the Board contacts SMEs and schedules participation in workshops. Certain workshop types may be held remotely if it is in the best interest of the Board, OPES, or SMEs. Workshop format should be discussed and agreed upon by the Board and OPES before recruitment and scheduling. Workshop format can also change due to extenuating circumstances. This can lead to additional communication needs and recruitment efforts.

Due to potential conflict of interest, licensees who participate in any form of examination development activities for the National Board for Certification in Occupational Therapy, Inc (NBCOT) shall not serve as SMEs for the linkage study workshop.

The Board is also responsible providing OPES with an initial contact for NBCOT representatives.

The nature of the work performed by OPES can result in unanticipated changes. For example, work may be completed ahead of or behind schedule. Flexibility on the part of both parties is essential to the success of the contract.

ROLE OF THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES

The primary role of OPES is to conduct the review of OTR and COTA to evaluate the acceptability of using the OTR and COTA for making professional licensure decisions in California. OPES will evaluate documentation and information about the California OAs and the national OAs of the occupational therapist and occupational therapist assistant professions, examination development procedures, passing score procedures, test administration, statistical performance of examinations, and examination security methods.

A panel of SMEs will review OTR and COTA specifications and compare them to the examination specifications for the most recent California OAs to identify the areas of professional practice addressed and not addressed by the OTR and COTA. During the workshop, OPES will work with the SMEs to perform this evaluation.

OPES will analyze all information and documentation and prepare reports of the analyses and recommendations for the Board.

SECURITY

OPES has implemented various controls to ensure the integrity, security, and confidentiality of licensure examination programs. These controls include prohibiting certain items, such as electronic devices and items that could potentially conceal recording devices, in all workshops.

SMEs are required to:

- Provide valid photo identification.
- Allow their electronic devices to be secured in the reception area during workshops.
- Sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensure examination material and information to which they have access.

Any person who fails to comply with OPES' security requirements will not be allowed to participate in licensure examination workshops. In addition, any person who subverts or attempts to subvert a licensure examination will face serious consequences, which may include loss of license, criminal charges per Business and Professions (B&P) Code § 123, or both.

OPES will notify the Board of any SME whose conduct during a workshop violates policy or whose presence is disruptive. OPES reserves the right to immediately dismiss any SME whose presence poses a security risk. OPES will take steps to manage disruptive behavior; however, if such behavior persists or prevents other SMEs from completing their tasks, or both, OPES may dismiss the person from the workshop.

SUMMARY OF EVENTS

- OPES and the Board collect the information and documentation about the California OAs, the national OAs of the occupational therapist profession, and about the OTR and COTA that are required to perform the review.
- OPES evaluates the national OAs and examination development procedures such as passing score development, test administration, statistical performance of examinations, and examination security protocols related to the OTR and COTA.
- Board provides a list of representative SMEs for the linkage workshop. OPES schedules those SMEs for linkage study workshop.
- OPES works with SMEs to evaluate the areas of California practice tested by the OTR and COTA, and to identify whether there are any critical areas of California practice not covered by the OTR and COTA.
- OPES prepares a report of findings and recommendations for the Board regarding the review of the OTR and COTA programs and the linkage between the content of the OTR, and the California OA for occupational therapists and the linkage between the content of the COTA and the California OA for occupational therapist assistants.
- OPES prepares and submits final reports to the Board.

DRAFT

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

- A. For services satisfactorily rendered and upon receipt and approval of the invoices, the California Board of Occupational Therapy (Board) agrees to reimburse the Office of Professional Examination Services (OPES) for services rendered and expenditures incurred.
- B. Invoices shall include the agreement number and shall be submitted on a quarterly basis for the cost of services completed as identified in Exhibit B, Attachment I; any related travel expenses will be billed as actuals. Signed/approved invoices from the Board will be due to OPES fifteen (15) working days from the date of invoice billings. OPES will then submit the approved invoices to the Department of Consumer Affairs for processing and payment. Invoices will be submitted to:

Austin Porter, Interim Executive Office
California Board of Occupational Therapy
1610 Arden Way, Suite 121
Sacramento, CA 95815
- C. The Board will reimburse OPES for the partial performance (e.g. workshop preparation, rescheduling) of any services provided by OPES if the Board does not fulfill, in good faith, their roles and responsibilities as defined by Exhibit A, Attachment II, Roles and Responsibilities.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year or any subsequent years covered under this Contract does not appropriate sufficient funds for the program, this Contract shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to OPES or to furnish any other considerations under this Contract and OPES shall not be obligated to perform any provisions of this Contract.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Contract with no liability occurring to the State or offer an agreement amendment to OPES to reflect the reduced amount.

3. Payment

- A. Costs for this Contract shall be computed in accordance with State Administrative Manual §§ 8752 and 8752.1.
- B. Nothing herein contained shall preclude advance payments pursuant to Title 2, Division 3, Part 1, Chapter 3, Article 1 of the California Government Code.

4. Cost

- A. Costs for this Contract shall be subject to any collective bargaining agreements negotiated in Fiscal Year 2000/2001 or thereafter.

INTRA-AGENCY CONTRACT (IAC) #01701
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
OCCUPATIONAL THERAPIST
REVIEW OF NATIONAL OCCUPATIONAL THERAPIST
REGISTERED (OTR) EXAMINATION, CERTIFIED
OCCUPATIONAL THERAPY ASSISTANT (COTA), AND LINKAGE
STUDY
FISCAL YEAR 2027-28

1. Review Background Information	\$ 5,504
2. Review Psychometric Quality and Security of OTR and COTA	\$ 3,784
3. Conduct Linkage Study	\$ 4,740
4. Evaluate Linkage Study Results	\$ 3,440
5. Submit Report	\$11,064
Administrative Support	\$ 8,380
TOTAL	\$36,912

Fund: 3017
Reporting Structure: 11112400
Program Code: 1190
Account Code (with Alt): 5342500001

INTRA-AGENCY CONTRACT (IAC) #01701

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
OCCUPATIONAL THERAPIST**

REVIEW OF NATIONAL OCCUPATIONAL THERAPIST REGISTERED (OTR) EXAMINATION, CERTIFIED OCCUPATIONAL THERAPY ASSISTANT (COTA), AND LINKAGE STUDY

FISCAL YEAR 2027-28

	Test Validation Staff				Editor		Support Staff		Totals	GRAND TOTAL
	\$86		\$122		\$80		\$62			
	Hours	Cost	OT Hours	OT Cost	Hours	Cost	Hours	Cost		
1. Review Background Information										\$5,504
Review OTR and COTA information	24	\$ 2,064							\$ 2,064	
Review national occupational analyses	24	\$ 2,064							\$ 2,064	
Review national examination administration procedures	16	\$ 1,376							\$ 1,376	
2. Review Psychometric Quality and Security of OTR and COTA										\$3,784
Evaluate psychometric quality of OTR and COTA	36	\$ 3,096							\$ 3,096	
Evaluate security protocols for OTR and COTA	8	\$ 688							\$ 688	
3. Conduct Linkage Study (Remote)										\$4,740
Prepare for linkage study workshop	16	\$ 1,376							\$ 1,376	
Conduct 2-day workshop with SMEs	16	\$ 1,376	4	\$ 488			2	\$ 124	\$ 1,988	
Compile workshop findings	16	\$ 1,376							\$ 1,376	
4. Evaluate Linkage Study Results										\$3,440
Evaluate linkage study results and integrate review findings	20	\$ 1,720							\$ 1,720	
Evaluate acceptability of OTR and COTA for use in California	20	\$ 1,720							\$ 1,720	
5. Submit Report										\$11,064
Prepare draft of reports	68	\$ 5,848			32	\$ 2,560			\$ 8,408	
Prepare, print, and submit final reports	16	\$ 1,376			16	\$ 1,280			\$ 2,656	
Administrative Support										\$8,380
Technical oversight (60 hours @ \$91/hour)									\$ 5,460	
Cost oversight (40 hours @ \$73/hour)									\$ 2,920	
** Note: Travel, if required, will be billed as actuals.										
TOTAL	280	\$24,080	4	\$ 488	48	\$3,840	2	\$124		\$36,912

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **Approval:**

This Contract is not valid until signed by both parties.

2. **Payment:**

Costs for this Contract shall be computed in accordance with State Administrative Manual §§ 8752 and 8752.1.

DRAFT

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Cooperation**

The Office of Professional Examination Services (OPES) is entering into a partnership with California Board of Occupational Therapy (Board) in which cooperation is the overriding principle.

2. **Evaluation**

OPES and the Board reserve the right to evaluate progress, make midcourse corrections as needed, and to negotiate changes to the Contract as necessary to ensure a high-quality review. This may affect the cost of the analysis.

3. **Examination Criteria**

The primary responsibility of OPES is to coordinate an independent review of the OTR, COTA.

4. **Good Faith Agreement**

In good faith, OPES believes the project steps accurately describe the work to be performed and that the costs are reasonable. This Contract will remain in effect until the work is completed.

DRAFT

OCCUPATIONAL ANALYSIS

PURPOSE

An occupational analysis (OA) defines a profession in terms of the job tasks that licensees must be able to perform safely and competently at the time of licensure. To develop a licensure examination that is valid and legally defensible, it must be solidly based upon these tasks. The Department of Consumer Affairs' (DCA) Office of Professional Examination Services' (OPES) Policy 22-01 states that an OA should generally be conducted every 5 years. This verifies that the content of the OA accurately describes current practice.

PROCESS

Typically, the process begins by selecting and interviewing a sample of licensees who represent the geographic, ethnic, gender, experience, and practice specialty mix of the profession. During interviews, licensees identify the tasks they perform within major subject areas of their profession and the knowledge required to perform those tasks.

A representative group of subject matter experts (SMEs) from the profession meets to finalize the tasks and the knowledge statements, and to develop a questionnaire. The questionnaire is sent to all, or to a sample, of licensed practitioners. The data are analyzed, and the results are used to update the description of practice and to develop an examination outline.

EXAMINATION OUTLINE

The examination outline specifies the tasks and knowledge that an examination candidate is expected to have mastered by the time of licensure. The examination outline also identifies the relative weight of each major subject area to be assessed in an examination. The examination outline is used to develop items (questions) for new examinations.

CONTENT VALIDATION STRATEGY

For a licensure examination to be valid, it must be empirically linked to a recent OA. OPES Policy 22-01 specifies that an OA must generally be conducted every 5 years.

LEGAL STANDARDS AND GUIDELINES

Several statutes, standards, and professional guidelines set criteria for the licensing process in California. These include:

- Standards for Educational and Psychological Testing (2014)
- Federal Uniform Guidelines on Employee Selection Procedures
- Civil Rights Act of 1991
- California Government Code section 12944 of the California Fair Employment and Housing Act
- Business and Professions Code section 139
- Americans with Disabilities Act of 1990, as amended

CONTACT

To learn more about these and other examination-related services, please contact OPES at (916) 575-7240.

REVIEW OF NATIONAL LICENSURE EXAMINATIONS

MANDATE

It is the policy of the Department of Consumer Affairs (DCA) that “All [national] licensure examinations appropriated for use in California professions regulated by DCA should be validated according to accepted technical and professional standards” (DCA *Licensure Examination Validation Policy OPES 22-01*). This validation includes a review of the examination’s development, administration, and security procedures, as well as a review of the examination’s content to assess its applicability to California practice.

REVIEW

If a national examination is used as part of the requirements for California licensure, the national examination program must be reviewed. This includes a review of the occupational analysis (OA) used as the basis for the national examination, including the percentage of California participants. To determine the suitability of the national examination content for California practice, a California-specific OA is conducted. The results of the California OA are compared with the results of the national OA.

In a review of a national examination program, the following factors are considered:

- Method used to establish content-related validity.
- OA methodology, including sampling and the percentage of California participants.
- OA frequency.
- Method used to construct the examination outline.
- Method used to ensure that standards are set for entry level practice.
- Item development process (subject matter experts [SMEs] used, editing methods, etc.).
- Size of item banks.
- Method used to set passing score.
- Examination security methods.
- Examination administration procedures.
- Examination reliability.
- Examination passing rates.
- Statistical performance of examinations.

DCA’s Office of Professional Examination Services (OPES) provides consulting services and technical assistance to DCA boards, bureaus, and committees (boards) to meet the validation requirements for licensure examinations.

STANDARDS

All aspects of licensure examination use, including OA and examination development and validation, should adhere to accepted technical (psychometric) standards and professional guidelines (e.g., *Standards for Educational and Psychological Testing* (2014)).

REVIEW OF NATIONAL LICENSURE EXAMINATIONS (CONTINUED)

PROCEDURE

First, the DCA licensing entity and OPES hold a planning meeting to discuss the national examination review. The discussion covers timelines, costs, roles, responsibilities, and expectations. Second, OPES develops an intra-agency contract (OPES Informational Series No. 7). Third, the DCA licensing entity contacts the group that develops the national examination; licensing entity staff will often have a relationship with this group. The licensing entity explains the nature of, and reasons for, the review; introduces OPES; and requests that the national examination developers identify a primary contact for the review. Finally, OPES contacts the national examination developers to begin the review.

LINKAGE STUDY

OPES performs a linkage study to compare the content of the national examination with the results of the California-specific OA. The purpose of the linkage study is to determine the extent to which the content of the national examination reflects critical California practice. When an OA is conducted on a national level, California practice must be appropriately represented in the analysis for the results to be valid for use in California.

The linkage study also determines whether a state-specific examination is recommended. If there is sufficient state-specific content, OPES will work with SMEs to develop an examination outline based on the California-specific content (e.g., state laws and regulations). The outline will minimize overlap with the national examination. The overall goal is to ensure assessment of critical entry level knowledge without duplicating content, which might create an unnecessary burden for candidates.

SECURITY

OPES has a process in place to protect the security of the information necessary for the review. OPES will provide a nondisclosure agreement to be reviewed and approved by the national examination provider. If the national provider requests changes to the agreement, the changes are negotiated between the national provider and DCA's Legal Affairs Division.

TIMELINE

National examination reviews typically take 6 to 9 months to complete. Various factors affect the timeline. The most common delays are nondisclosure agreement negotiations and the time necessary for the national provider to compile the requested information for OPES. After the review is completed, OPES will prepare a report summarizing the results.

CONTACT

To learn more about these and other examination-related services, please contact OPES at (916) 575-7240.

AGENDA ITEM 10

REGULATORY UPDATE.

INCLUDES THE FOLLOWING:

- 10.1 MEMORANDUM REGARDING STATUS OF RULEMAKINGS AND TRACKER.
- 10.2 CURRENT STATUS OF REGULATORY PACKAGES.



MEMORANDUM

DATE	February 17, 2026
TO	Board of Occupational Therapy Members
FROM	Austin Porter, Executive Office Board of Occupational Therapy
SUBJECT	Agenda Item 10: Regulation Update – Status of Rulemakings and Tracker

Status of Rulemakings

The Board currently has multiple rulemakings in progress that were voted on at prior meetings. Some of these packages are more recent, and others were approved by the Board as many as four years ago. Since originally approved, the Board has sought additional changes to some of the code sections that already had existing rulemakings in progress.

Staff have been working to organize both the existing and new rulemakings such that all changes sought by the Board are captured and take effect. Thus, rulemakings have been reorganized so that staff can take the necessary steps to move them through the regulatory process. This reorganization requires that some rulemakings go before the Board for an additional vote, which will be addressed in the following agenda items.

What follows is a list of pending rulemakings prior to the restructuring and how they have been reorganized. Titles of sections are paraphrased for brevity.

- **Addresses, Name Changes, Advanced Practices, Continuing Education – AMEND 4102, 4150 through 4155, 4161, 4162.**
 - Restructured into separate rulemakings as follows:
 - Filing of Addresses and Changes in Name – 4102
 - Advances Practices – 4150 through 4155
 - Continuing Competency – 4161
 - Completion and Reporting Requirements – 4162

- **Attestations, Continuing Competency – ADD 4110.1, 4122. AMEND 4161**
 - Restructured into separate rulemakings as follows:
 - Applicant and Renewal Attestations – 4110.1, 4122
 - Continuing Competency – 4161 (combined with the package from above)

- **Enforcement Overhaul – AMEND 4101, 4110, 4141, 4146, 4147, 4148, 4148.5, 4149.1. ADD 4146.1, 4146.7, 4146.8, 4147.7, 4149.6, 4149.7**
 - Restructured into separate rulemakings as follows:
 - Delegation of Certain Functions – 4101
 - Cost Recovery – 4147
 - General Enforcement and Disciplinary Guidelines - 4110, 4141, 4146, 4148.5, 4149.1, 4146.1, 4146.7, 4146.8, 4147.7, 4149.6, 4149.7

- **Fees – 4130**
 - No need to restructure.

- **Supervision Parameters – 4180, 4181**
 - No need to restructure.

A more detailed account of the newly organized packages can be seen in the updated tracker that follows this memo.

Updated Regulatory Tracker

The format of the regulatory update that follows differs from that presented at previous meetings. The updated tracker more closely follows the steps in the regulatory process and the rulemaking milestones tracked by the Board and DCA's Regulatory Affairs office.

A brief explanation of the information in the tracker follows.

- Date Text Approved by Board
 - Meeting date on which the Board approved language for the rulemaking. May include multiple dates.
- Rulemaking Docs Approved by Reg Affairs
 - Dates on which the initial filing documents received legal and budgetary approval to submit to the Director of DCA.
- Initial Filing Dates
 - Dates on which the initial filing was submitted to the Director, to The Business and Consumer Services Agency (Agency), and to the Office of Administrative Law (OAL).

- Published in the Notice Register and on Board Website
 - When the proposed regulatory action was noticed by OAL, the end of the 45-day comment period, and the 100-day final filing deadline.
- Modified Text
 - If adverse comments were received, this column would indicate when revised text was approved by the Board, when the revised text was published by OAL, and the end of the 15-day comment period.
- Final Filing Dates
 - Dates on which the final filing was submitted to the Director, to Agency, and to OAL.
- Final Approval
 - Date of adoption by OAL and effective date of the changes.

The tracker also contains information on regulatory items for which the Board has not yet approved a final version of the language in a section titled “Foreseeable Regulatory Action.”

Rulemaking Files In Progress as of February 17, 2026

Title and Code Sections	Brief Description	Date Text Approved by Board	Rulemaking Docs Approved by Reg Affairs	Initial Filing Dates	Published in Notice Register and on Board Website	Modified Text (if applicable)	Final Filing Dates	Final Approval
Fees, 4130	Increase renewal fees for OTs from \$270 to \$300 and for OTAs from \$210 to \$300.	06.13.2025	Legal: 01.22.2026 Budget: 01.22.2026	Director: 01.22.2026 Agency: OAL:	Published: 45-Day Comment Period Ends: Final Filing Deadline:	Approved: Published: 15-Day Comment Period Ends:	Director: Agency: OAL:	OAL Adoption: Effective Date:
Disciplinary Guidelines, 4147	Modifies the cost recovery term of the disciplinary guidelines to specify the amount of cost recovery ordered.	11.06.2025	Legal: Budget:	Director: Agency: OAL:	Published: 45-Day Comment Period Ends: Filing Deadline:	Approved: Published: 15-Day Comment Period Ends:	Director: Agency: OAL:	OAL Adoption: Effective Date:
Definitions, 4180 Supervision Parameters, 4181	Clarifies definitions for fieldwork, doctoral capstone students, accredited. Sets supervision limits for OTs and OTAs.	11.14.2024	Legal: Budget:	Director: Agency: OAL:	Published: 45-Day Comment Period Ends: Filing Deadline:	Approved: Published: 15-Day Comment Period Ends:	Director: Agency: OAL:	OAL Adoption: Effective Date:

Title and Code Sections	Brief Description	Date Text Approved by Board	Rulemaking Docs Approved by Reg Affairs	Initial Filing Dates	Published in Notice Register and on Board Website	Modified Text (if applicable)	Final Filing Dates	Final Approval
Delegation of Certain Functions, 4101 Mental or Physical Examination of Fitness for Licensure, 4148	Delegates the Board's authority to order a mental or physical examination of an applicant to the executive officer.	11.15.2024	Legal: Budget:	Director: Agency: OAL:	Published: 45-Day Comment Period Ends: Filing Deadline:	Approved: Published: 15-Day Comment Period Ends:	Director: Agency: OAL:	OAL Adoption: Effective Date:
Application Attestation, 4110.1 Renewal Attestation, 4122	Requires applicant and licensees to attest to having read and understood the laws and regs when accepting initial license or renewing.	08.18.2022	Legal: Budget:	Director: Agency: OAL:	Published: 45-Day Comment Period Ends: Filing Deadline:	Approved: Published: 15-Day Comment Period Ends:	Director: Agency: OAL:	OAL Adoption: Effective Date:
Filing of Addresses and Changes of Name, 4102	Clarifies Address of Record vs, Residence Address, clarifies name change process, requires email to be reported.	08.24.2023	Legal: Budget:	Director: Agency: OAL:	Published: 45-Day Comment Period Ends: Filing Deadline:	Approved: Published: 15-Day Comment Period Ends:	Director: Agency: OAL:	OAL Adoption: Effective Date:

Title and Code Sections	Brief Description	Date Text Approved by Board	Rulemaking Docs Approved by Reg Affairs	Initial Filing Dates	Published in Notice Register and on Board Website	Modified Text (if applicable)	Final Filing Dates	Final Approval
Continuing Competency, 4161	Implements additional subject requirements, acknowledges doctoral capstone supervision, exempts certain Board meetings from earning PDUs, implements 12-unit requirement for an initial license period greater than one year.	08.24.2023 06.13.2025	Legal: Budget:	Director: Agency: OAL:	Published: 45-Day Comment Period Ends: Filing Deadline:	Approved: Published: 15-Day Comment Period Ends:	Director: Agency: OAL:	OAL Adoption: Effective Date:
Completion and Reporting Requirements, 4162	Sets requirements for reporting structured mentoring, establishes certain rules for PDU audit process.	08.24.2023	Legal: Budget:	Director: Agency: OAL:	Published: 45-Day Comment Period Ends: Filing Deadline:	Approved: Published: 15-Day Comment Period Ends:	Director: Agency: OAL:	OAL Adoption: Effective Date:

Title and Code Sections	Brief Description	Date Text Approved by Board	Rulemaking Docs Approved by Reg Affairs	Initial Filing Dates	Published in Notice Register and on Board Website	Modified Text (if applicable)	Final Filing Dates	Final Approval
<p>Enforcement Reform –</p> <p>AMEND 4101, 4110, 4141, 4146, 4147, 4148, 4148.5, 4149.1</p> <p>ADD 4146.1, 4146.7, 4146.8, 4147.7, 4149.6, 4149.7</p>	<p>Implements AB 2138, updates disciplinary guidelines, makes other various clarifying changes.</p>		<p>Legal:</p> <p>Budget:</p>	<p>Director:</p> <p>Agency:</p> <p>OAL:</p>	<p>Published:</p> <p>45-Day Comment Period Ends:</p> <p>Filing Deadline:</p>	<p>Approved:</p> <p>Published:</p> <p>15-Day Comment Period Ends:</p>	<p>Director:</p> <p>Agency:</p> <p>OAL:</p>	<p>OAL Adoption:</p> <p>Effective Date:</p>

Foreseeable Regulatory Action

Subject	Affected Sections	Priority	Status
Reduction of Advanced Practice Requirements	4151, 4152, 4153, 4155	1	The Board has approved language to reduce requirements for PAMs and Hand Therapy. The Practice committee will meet to make recommendations for Swallowing before the Boards votes to initiate a package that address all advanced practice areas.
Text for OTs to request more than three OTAs	TBD	2	Practice Committee to review and make recommendations to the Board.
Client record retention requirements when a business is closed/sold/inherited or if a practitioner is no longer in private practice	TBD	3	Practice Committee to review and make recommendations to the Board.

AGENDA ITEM 11

DISCUSSION AND POSSIBLE ACTION TO CONSIDER INITIATION OF A RULEMAKING TO AMEND SECTION 4101 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS (CCR) (*DELEGATION OF CERTAIN FUNCTIONS*).

INCLUDES THE FOLLOWING:

- 11.1 MEMORANDUM TO THE BOARD.
- 11.2 EXCERPT FROM NOVEMBER 15, 2024, BOARD MEETING MINUTES.
- 11.3 AMENDMENTS TO CCR SECTIONS 4101 AND 4148 AS APPROVED BY THE BOARD ON NOVEMBER 15, 2024.
- 11.4 PROPOSED LANGUAGE AMENDING CCR SECTION 4101 FOR BOARD VOTE.



MEMORANDUM

DATE	February 10, 2026
TO	Board of Occupational Therapy Members
FROM	Austin Porter, Executive Office Board of Occupational Therapy
SUBJECT	Agenda Item 11: Discussion and Possible Action to Consider Initiation of a Rulemaking to Amend Section 4101 of Title 16 of The California Code Of Regulations (CCR) (Delegation of Certain Functions).

Background

CCR Section 4101 delegates various powers of the Board to the executive officer. In particular, it delegates to the executive officer the Board’s power to order a mental or physical examination pursuant to Section 820 of the Business and Professions Code (BPC). An examination may be ordered pursuant to Section 820 when it appears that a **licensee** may be unable to practice safely.

CCR Section 4148 establishes that “the board” may order that an **applicant** undergo a mental or physical examination when it appears that they may be unable to practice safely. Given the current language, it is not clear whether this power is delegated to the executive officer.

As the language stands, any order to undergo an examination pursuant to Section 4148 would need to be reviewed and approved by the Board President. This would give the President prior knowledge of any case that arises from the application being denied, and they would be required to recuse themselves from any Board decision regarding that case.

Delegating this power to the executive officer is consistent with other DCA Boards and Bureaus and the current process by which the Board and board staff handle applications and denials.

History of the Issue

On November 15, 2024, the Board approved regulatory language to amend CCR Sections 4101 and 4148. However, recent efforts by board staff to move language through the regulatory process have shown that a robust motion to initiate a rulemaking is often necessary to effect the desired change, and the motion from 2024 may not provide adequate support for the rulemaking.

Furthermore, the language approved in 2024 may be duplicative. The approved amendments to Section 4101 would delegate the Board's power to order an examination for an applicant pursuant to Section 4148 to the executive officer. However, the approved amendments to Section 4148 would give the power to order an examination for an applicant directly to the executive officer, bypassing the need for delegation and stripping the Board of this power.

Staff believe that the desired change could be achieved through amendments to Section 4101 only.

Action Requested

Board staff asks that the Board consider the above along with the included materials and vote to initiate a rulemaking to amend CCR Section 4101.

Included Materials

- Excerpt from November 15, 2024, Board meeting minutes.
- Amendments to CCR Sections 4101 and 4148 as approved by the Board on November 15, 2024.
- Proposed language amending CCR Section 4101 for Board vote.

Suggested Motion

"I move to approve the proposed regulatory text for Section 4101 [*as amended during the meeting or as presented*], direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 4101 of Title 16, California Code of Regulations as noticed, with the authority to make any technical or nonsubstantive changes."

Excerpt from November 15, 2024, Board Meeting Minutes

Agenda Item 23. Consideration and Possible Action to Initiate a Rulemaking Package to Amend California Code of Regulations, Title 16, Division 39, Article 9, Section 4148. Mental or Physical Examination of Fitness for Licensure, and Section 4101. Delegation of Certain Functions, to Include Authority to Order Examinations Authorized in Section 4148.

EO Heather Martin gave an overview of California Code of Regulations, Title 16, Division 39, Article 9, Section 4101 and Section 4148. which authorizes a physical or mental examination of a licensee if there are concerns of an impairment to be ordered by an EO and what the proposed language changes would look like if that included the same delegation for an applicant.

DCA Attorney, Helen Geoffroy, stated that she conferred with the DCA Regulatory Attorney, and they agreed the current regulation in California Code of Regulations, Title 16, Division 39, Article 9, Section 4148. Mental or Physical Examination of Fitness for Licensure, and Section 4101. Delegation of Certain Functions, to Include Authority to Order Examinations Authorized in Section 4148 is weak in the language as to who has authority to order an evaluation. Other Boards and Bureaus have adopted the rule to give EO's the authority to order mental/health evaluations and have been approved as recent as 2019.

President Bookwalter stated that has been in the regulations for a licensee to be evaluated, but since recently there was a need to have an applicant evaluated, the requirement for change to the current regulation is necessary. The current regulation would require the Board President to review the order pertaining to an applicant and would give the Board president previous knowledge of the Case which would lead to the Board President having to recuse themselves. EO Heather Martin recommended that the Board approve the language.

The Board's Attorney, Helen Geoffroy stated that the language may have to change as a part of the process, but it is consistent with other DCA's Board and Bureaus. It is also consistent with the current process, of the Board not being involved in the application process, unless there is a statement of issues. Therefore, it would be possible to achieve the desired outcome of granting the EO the power to order the mental and/or physical examination of an applicant.

- Sharon Pavlovich moved to approve, the language [as presented] for 4101 and 4148.
- Denise Miller seconded the motion.

There were no additional public comments.

Board Member Vote

Denise Miller	Yes
Christine Wietlisbach	Yes
Sharon Pavlovich	Yes
Richard Bookwalter	Yes
Beata Morcos	Yes
Hector Cabrera	Absent
Lynna Do	Absent

The motion carried.

Amendments to CCR Sections 4101 and 4148 as Approved by the Board on November 15, 2024.

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend section 4101 to read as follows:

§ 4101. Delegation of Certain Functions

Except for those powers reserved exclusively to the “agency itself” under the Administrative Procedure Act (section 11500 et seq. of the Government Code), the power and discretion conferred by law upon the Board to order an examination pursuant to section 820 of the Code and section 4148; receive and file accusations and statements of issues; issue notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings, including the authority to grant a motion to vacate a default decision, approve a settlement agreement for revocation or surrender of a license, or approve an interim license suspension; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive officer of the Board.

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

Amend section 4148 to read as follows:

§ 4148. Mental or Physical Examination of Fitness for Licensure.

In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to practice occupational therapy safely because the applicant's ability to practice may be impaired due to mental illness or physical illness affecting competency, the ~~board~~ Executive Officer may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the board. The board shall pay the full cost of such examination. An applicant's failure to comply with the requirement shall render his or her application incomplete.

The report of the evaluation shall be made available to the applicant.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 2570.6 and 2570.26, Business and Professions Code.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 39.
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED REGULATORY LANGUAGE

Delegation of Certain Functions

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 4101 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4101. Delegation of Certain Functions

Except for those powers reserved exclusively to the “agency itself” under the Administrative Procedure Act (section 11500 et seq. of the Government Code), the power and discretion conferred by law upon the Board to order an examination pursuant to section 820 of the Code and pursuant to section 4148 of the California Code of Regulations; receive and file accusations and statements of issues; issue notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings, including the authority to grant a motion to vacate a default decision, approve a settlement agreement for revocation or surrender of a license, or approve an interim license suspension; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive officer of the Board.

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

AGENDA ITEM 12

DISCUSSION AND POSSIBLE ACTION TO CONSIDER INITIATION OF A RULEMAKING TO ADD SECTIONS 4110.1 (*APPLICATION ATTESTATION*) AND 4122 (*RENEWAL ATTESTATION*) TO TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS (CCR).

INCLUDES THE FOLLOWING:

- 12.1 MEMORANDUM TO THE BOARD.
- 12.2 EXCERPTS FROM AUGUST 18, 2022, BOARD MEETING MINUTES.
- 12.3 PROPOSED LANGUAGE ADDING SECTIONS 4110.1 AND 4122 TO THE CCR AS APPROVED BY THE BOARD ON AUGUST 18, 2022.
- 12.4 PROPOSED LANGUAGE ADDING CCR SECTIONS 4110.1 AND 4122 FOR BOARD VOTE.



MEMORANDUM

DATE	February 10, 2026
TO	Board of Occupational Therapy Members
FROM	Austin Porter, Executive Office Board of Occupational Therapy
SUBJECT	Agenda Item 12: Discussion and possible action to consider initiation of a rulemaking to add Sections 4110.1 (Application Attestation) and 4122 (Renewal Attestation) to title 16 of the CCR.

History of the Issue

On August 18, 2022, the Board approved regulatory language to add Sections 4110.1 and 4122 to title 16 of the CCR. However, recent efforts by board staff to move language through the regulatory process have shown that a robust motion to initiate a rulemaking is often necessary to effect the desired change, and the motion from 2022 may not provide adequate support for the rulemaking.

Furthermore, the Board had originally approved the language adding Section 4110.1 as a separate motion from the approval of 4122 and had approved the language adding Section 4122 alongside additional language that would amend Section 4161 (*Continuing Competency*).

In order to have a more robust motion for the record, and because the Board has sought additional changes to Section 4161 since sections 4110.1 and 4122 were approved, it is prudent to initiate separate rulemakings for each issue.

Action Requested

Board staff asks that the Board consider the above along with the included materials and vote to initiate a rulemaking to add Sections 4110.1 and 4122 to title 16 of the CCR.

Included Materials

- Excerpts from August 18, 2022, Board meeting minutes.
- Addition of Sections 4110.1 and 4122 to title 16 of the CCR as approved by the Board on August 18, 2022.
- Proposed language adding Sections 4110.1 and 4122 to title 16 of the CCR for Board vote.

Suggested Motion

"I move to approve the proposed regulatory text for Sections 4110.1 and 4122 [*as amended during the meeting or as presented*], direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 4110.1 and 4122 of Title 16, California Code of Regulations as noticed, with the authority to make any technical or nonsubstantive changes."

Excerpts from August 18, 2022, Board Meeting Minutes

Agenda Item 8. Consideration and possible action of approving proposed regulatory language to amend Title 16, California Code of Regulations (CCR) Section 4161, Continuing Competence, to add new requirements as a condition for license renewal.

Executive Officer Heather Martin explained that the proposed new language requiring licensees, at the time of renewal, to attest to reading the laws and regulations and adding new requirements to complete professional development units (PDUs) in ethics and working with diverse populations was at the direction of the Board. Ms. Martin informed the Board that the draft language presented was a collaborative effort between herself, Department of Consumer Affairs' (DCA) attorneys Helen Geoffroy and Heather Hoganson.

- Richard Bookwalter moved to approve the proposed new language of Section 4122. Renewal Attestation and Section 4161. Continuing Competency along with all suggested changes and allow the Executive Officer to make non-substantive changes.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Vote

Richard Bookwalter	Yes
Sharon Pavlovich	Yes
Lynna Do	Yes
Denise Miller	Yes
Beata Morcos	Yes

The motion carried.

Richard Bookwalter moved to notice the language approved in the previous motion and allow the Executive Officer to make non-substantive changes.

Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Vote

Richard Bookwalter	Yes
Sharon Pavlovich	Yes
Lynna Do	Yes
Denise Miller	Yes
Beata Morcos	Yes

The motion carried.

Agenda Item 10. Consideration and possible action on requiring an attestation to reading and understanding the Board’s laws and regulations upon submission of an application for an initial license.

The consensus of the Board was to support the proposed language requiring an applicant for licensure to attest to reading and understanding the Board’s laws and regulations.

- Richard Bookwalter moved to approve proposed new language for Section 4110.1 Applicant Attestation for noticing and delegate to the Executive Officer the ability to make non-substantive changes.
- Lynna Do seconded the motion.

Public Comment

There was no public comment.

Board Member Vote

Richard Bookwalter	Yes
Sharon Pavlovich	Yes
Lynna Do	Yes
Denise Miller	Yes
Beata Morcos	Yes

The motion carried.

Addition of Sections 4110.1 & 4122 as Approved by the Board on August 18, 2022.

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Add section 4110.1 to read as follows:

§ 4110.1. Applicant Attestation.

After notification that the application for licensure is complete and accepted for filing and prior to issuance of the license, the applicant shall submit an initial license fee and an attestation under penalty of perjury that they “have read and agree to be held to the standards contained in The Occupational Therapy Practice Act and the regulations specified in Title 16, Division 39 of the California Code of Regulations.

Add section 4122 to read as follows:

§ 4122. Renewal Attestation.

As a condition of renewal, each licensee renewing a license under Section 2570.10 of the Code shall, at the time of renewal, attest under penalty of perjury that they “have read and agree to be held to the standards contained in The Occupational Therapy Practice Act and the regulations specified in Title 16, Division 39 of the California Code of Regulations.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 39.
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED REGULATORY LANGUAGE

Application and Renewal Attestation

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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Add section 4101.1 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4101.1. Application Attestation

After notification that the application for licensure is complete and accepted for filing and prior to issuance of the license, the applicant shall submit an initial license fee and an attestation under penalty of perjury that they “have read and agree to be held to the standards contained in The Occupational Therapy Practice Act and the regulations specified in Title 16, Division 39 of the California Code of Regulations.”

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

Add section 4122 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4122. Renewal Attestation

As a condition of renewal, each licensee renewing a license under Section 2570.10 of the Code shall, at the time of renewal, attest under penalty of perjury that they “have read and agree to be held to the standards contained in The Occupational Therapy Practice Act and the regulations specified in Title 16, Division 39 of the California Code of Regulations.”

Note: Authority cited: Sections 134, 152.6, 462, and 2570.20, Business and Professions Code. Reference: Sections 114.3, 134, 152.6, 462, 2570.5, 2570.9, 2570.10, and 2570.11, Business and Professions Code.

AGENDA ITEM 13

DISCUSSION AND POSSIBLE ACTION TO CONSIDER INITIATION OF A RULEMAKING TO AMEND SECTION 4102 (*CHANGE OF ADDRESS AND CHANGE OF NAME*) TO TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS (CCR).

INCLUDES THE FOLLOWING:

- 13.1 MEMORANDUM TO THE BOARD.
- 13.2 EXCERPT FROM AUGUST 24, 2023, BOARD MEETING MINUTES.
- 13.3 AMENDMENTS TO CCR SECTION 4102 AS APPROVED BY THE BOARD ON AUGUST 24, 2023
- 13.4 PROPOSED LANGUAGE AMENDING CCR SECTION 4102 FOR BOARD VOTE.



MEMORANDUM

DATE	February 11, 2026
TO	Board of Occupational Therapy Members
FROM	Austin Porter, Executive Office Board of Occupational Therapy
SUBJECT	Agenda Item 13: Discussion and possible action to consider initiation of a rulemaking amend Section 4102 of title 16 of the CCR (Changes of Address and Change of Name).

Background

Failure to update an address of record is one of the most frequent violations of California occupational therapy licensees. An up-to-date address of record is critical, because it is the address where all official communication from the Board is sent when attempting to reach a licensee or applicant.

Failure to keep an up-to-date address of record on file with the Board can easily result in a licensee's or an applicant's failure to cooperate in a Board investigation, receive renewal notices, or receive legal pleadings.

The proposed regulatory language before the Board would clarify the differences between the requirements for updating both an address of record and a residence address with the Board. It would also require licensees and applicants to provide an email address to the Board, should they have one. The language also would establish a requirement to notify the Board of a change in name within 30 days of the change.

History of the Issue

On August 24, 2023, the Board voted to initiate a rulemaking to amend Sections 4102, 4151 – 4154, 4161, and 4162 of title 16 of the CCR. However, the rulemaking has not yet gone into effect or been approved by the Office of Administrative Law. Since then, the Board has voted to seek additional changes to all of the aforementioned code sections, except for Sections 4102 and 4162.

To efficiently enact all of the amendments sought to these sections, it would be prudent to initiate separate rulemakings for section 4102, sections 4151 – 4154, section 4161, and for section 4162. This agenda item seeks to initiate a rulemaking to amend Section 4102. The Board has already voted on a new rulemaking incorporating the amendments from 2023 for Section 4161. Section 4162 will be discussed in the next agenda item. Sections 4151 – 4154 will be discussed at a future meeting.

Action Requested

Board staff asks that the Board consider the above along with the included materials and vote to initiate a rulemaking to amend Section 4102 of title 16 of the CCR.

Included Materials

- Excerpt from August 24, 2023, Board meeting minutes.
- Amendments to Section 4102 of title 16 of the CCR as approved by the Board on August 24, 2023.
- Proposed language to amend Section 4102 of title 16 of the CCR for Board vote.

Suggested Motion

"I move to approve the proposed regulatory text for Section 4102 [*as amended during the meeting or as presented*], direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 4102 of Title 16, California Code of Regulations as noticed, with the authority to make any technical or nonsubstantive changes."

Excerpt from August 24, 2023, Board Meeting Minutes

Agenda Item 9. Consideration and possible action to initiate a rulemaking package to amend CCR, Title 16, Division 39, Section 4102, Filing of Addresses, Section 4151, Hand Therapy, Section 4152, Physical Agent Modalities, Section 4153, Swallowing Assessment Evaluation, or Intervention, Section 4154, Education and Training, Section 4161, Continuing Competency, and Section 4162, Completion and Reporting Requirements.

CCR, Title 16, Division 39, Section 4102, Filing of Addresses.

President Miller commented that the Board has worked on a lot of language concerning the address of record and that violations concerning address changes is one of the main offenses by licensees for the Board.

Executive Officer Martin noted that the presented regulatory language concerning Filing of Addresses was modeled after other Boards.

Vice President Beata Morcos pointed out that the proposed language did not require an applicant or a licensee to obtain an email address, it only required that a person report an existing email address to the Board.

Attorney Helen Geoffroy explained that although email addresses are free, it is not for the government to impose upon a licensee to obtain one. The proposed language allowed flexibility; if the licensee has an email, they are required to report it, but it is not mandated to have one.

Secretary Do suggested that the Board replace the word “require.”

Ms. Geoffroy agreed that it would be helpful to change the language from “require” to “may” file a current email address.

Public Comment

Carlin Daley Reaume stated that she understood the proposed language to be saying that if a licensee had an email address, they had to report it. Carlin agreed that changing “require” to “may” could help licensees understand the regulatory language better.

President Miller thanked Ms. Daley Reaume for her comment.

Board Member Bookwalter expressed that he disagreed with using the word “may.”

President Miller suggested that the Board table the email discussion and return to it at a later time.

There were no additional Board member remarks.

There were no additional public comments.

CCR, Title 16, Division 39, Section 4151, Hand Therapy.

President Miller asked if the members of the Board that practice hand therapy if the Board had the right appropriate number of hours in the proposed language.

Board Member Richard Bookwalter expressed that he was still in favor of the language.

Public Comment

Carlin Daley Reaume, spoke on behalf of OTAC, and thanked the Board members for their work on the proposed hand therapy language and noted that OTAC was in support of the proposed language as well.

There were no additional Board member remarks.

There were no additional public comments.

CCR, Title 16, Division 39, Section 4152 Physical Agent Modalities.

Vice President Beata Morcos noted that in her opinion the language for using PAMs has become clearer.

Board Member Pavlovich suggested that the proposed language for PAMs expand to include curriculum course work.

President Miller praised Ms. Pavlovich for bringing up course work. She added that many of the curriculums are adding PAMs courses.

Ms. Martin explained that the education and training for PAMs Board approval must go beyond the Accreditation Council for Occupational Therapy Education (ACOTE) standards. The trainee must have a supervision agreement with their supervisor. Schools have added the courses in their curriculums to meet ACOTE standards but have not considered the requirements to achieve Board approval. Ms. Martin clarified that the hours from the courses achieved from the school curriculums cannot be used toward the required 240 supervised training hours required for Board approval.

Board Member Bookwalter reminded the Board of previous discussions concerning how the ACOTE standards did not align with the Board's standards. He would like to see the standards align someday.

Ms. Pavlovich stated OTAC took the position that if advanced practice is being taught in schools, Board approval should not be necessary.

Board Member Wietlisbach said that in the past, ACOTE standards for advanced practice did not exist and not all schools offered education in these practice areas. She believed that the Board should consider changing the way they view ACOTE standards as ACOTE continues to increase them.

Public Comment

Carlin Daley Reaume asked if there was an elective course that was beyond ACOTE standards, could it be possible for those hours to be counted toward advanced practice approval?

Ms. Martin confirmed that there could be a scenario where the hours counted toward education requirements for Board approval, however, not for the supervised training hours. The supervised training hours require a supervision agreement among other criteria.

There were no additional Board member remarks.
There were no additional public comments.

CCR, Title 16, Division 39, Physical Agent Modalities, Section 4153.

There were no Board member remarks.
There were no public comments.

CCR, Title 16, Division 39, Section 4154, Education and Training.

Executive Officer Heather Martin announced that the Board requires submission of an Application to Provide Advanced Practice Education.

Ms. Wietlisbach explained to the members of the public that if a course was not preapproved, it was an arduous process for the licensee to gather the necessary information for the Board to approve the hours. The Board hires a reviewer who evaluates the application and recommends approval of the course, award partial credit for the course, or deny it.

President Miller asked the audience to encourage their colleagues to go through this application process to get their courses pre-approved. She explained that taking courses that are not pre-approved could cost a licensee time and money.

There were no additional Board member remarks.
There were no additional public comments.

CCR, Title 16, Division 39, Section 4161, Continuing Competency and Section 4162, Completion and Reporting Requirements.

Secretary Do explained that out of the required 24 PDUs for renewal, a licensee must take at least 2 units related to ethics and at least one culturally related unit.

Public Comment

Domenique Embrey asked for confirmation that continuing competency courses for license renewal do not need Board approval and Ms. Miller confirmed.

There were no additional Board member remarks.
There were no additional public comments.

- Beata Morcos moved to approve the proposed regulatory text amending Sections 4102, 4151, 4152, 4153, 4154, 4161, and 4162 as presented and directed staff to submit the text and other required documents to the Director of DCA and the Business, Consumer Services, and Housing Agency for review, take all steps necessary to initiate the rulemaking process, and set the matter for a hearing, if requested.
- Hector Cabrera seconded the motion.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

There were no additional Board member remarks.

There were no additional public comments.

- Richard Bookwalter moved to delegate to the Executive Officer the ability to make edits to the text that are consistent with the law and substantially similar to the text of the policy approved by the Board at the meeting.
- Beata Morcos seconded the motion.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

Amendments to CCR Section 4102 as Approved by the Board on August 24, 2023.

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend section 4102 to read as follows:

§ 4102. Filing of Addresses and Changes in Name.

~~(a) Each person licensed or issued a limited permit by the board, shall report to the board every change of residence address within 30 days after the change, giving both the old and new addresses. In addition to the residence address, the person may provide the board with an alternate address of record. If an alternate address is the person's address of record, he or she may request, in writing, that the residence address not be disclosed to the public.~~
~~(b) Each person licensed or issued a limited permit by the board shall report to the board every change of name within 30 days after the change, giving both the old and new names.~~
~~(c) This section refers to every person who holds an active, inactive, unexpired, suspended license or limited permit.~~

(a) Address of Record. Every applicant and licensee shall provide an address to the California Board of Occupational Therapy that will be designated as their address of record, which will be utilized for all official and formal communications from the Board, and which will be disclosed to the public. An applicant or a licensee need not provide a residence address as the address of record, but may use an alternative address, such as a business address or a P.O. Box, as their address of record. Every applicant and licensee shall report any change of the address of record to the Board no later than 30 calendar days after the address change has occurred. The report of change of address of record shall be in writing and contain the old address, the new address, and the effective date of the change of address.

(b) Residence Address. Every applicant and licensee shall provide a residence address to the Board. Only if the applicant or licensee also provides an alternative address of record as described in subdivision (a) above shall the Board maintain the residence address as confidential. Every applicant and licensee shall report any change of their residential address to the Board no later than 30 calendar days after the address change has occurred. The report of change of residential address shall be in writing and contain the old address, the new address, and the effective date of the change of address.

(c) Name Change. Every applicant and licensee shall report to the Board in writing each and every change of name no later than 30 calendar days after each change has occurred, giving both the old and new names.

(d) Email Address. Every applicant and licensee shall file a current email address with the Board and shall notify the Board in writing of any and all changes of the email address no later than 30 calendar days after the change has occurred, giving both the old email address and the new email address. Email addresses are confidential information and shall not be made available to the public. This subdivision does not require an applicant or licensee to obtain an email address, it only requires that person report an existing email address to the Board.

(e) Licensee. For purposes of this section, 'licensee' includes any holder of an active, inactive, delinquent, suspended or expired license, certification or other authorization issued by the Board to practice occupational therapy which is not canceled or revoked.

(f) This section shall not apply to any person whose license has been revoked, surrendered, or cancelled.

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

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 39.
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED REGULATORY LANGUAGE

Filing of Addresses and Changes in Name

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 4102 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4102. Filing of Addresses and Changes in Name

~~(a) Each person licensed or issued a limited permit by the board, shall report to the board every change of residence address within 30 days after the change, giving both the old and new addresses. In addition to the residence address, the person may provide the board with an alternate address of record. If an alternate address is the person's address of record, he or she may request, in writing, that the residence address not be disclosed to the public.~~

~~(b) Each person licensed or issued a limited permit by the board shall report to the board every change of name within 30 days after the change, giving both the old and new names.~~

~~(c) This section refers to every person who holds an active, inactive, unexpired, suspended license or limited permit.~~

(a) Address of Record. Every applicant and licensee shall provide an address to the California Board of Occupational Therapy that will be designated as their address of record, which will be utilized for all official and formal communications from the Board, and which will be disclosed to the public. An applicant or a licensee need not provide a residence address as the address of record, but may use an alternative address, such as a business address or a P.O. Box, as their address of record. Every applicant and licensee shall report any change of the address of record to the Board no later than 30 calendar days after the address change has occurred. The report of change of address of record shall be in writing and contain the old address, the new address, and the effective date of the change of address.

(b) Residence Address. Every applicant and licensee shall provide a residence address to the Board. Only if the applicant or licensee also provides an alternative address of record as described in subdivision (a) above shall the Board maintain the residence address as confidential. Every applicant and licensee shall report any change of their

residence address to the Board no later than 30 calendar days after the address change has occurred. The report of change of residence address shall be in writing and contain the old address, the new address, and the effective date of the change of address.

(c) Name Change. Every applicant and licensee shall report to the Board in writing each and every change of name no later than 30 calendar days after each change has occurred, giving both the old and new names.

(d) Email Address. Every applicant and licensee shall file a current email address with the Board and shall notify the Board in writing of any and all changes of the email address no later than 30 calendar days after the change has occurred, giving both the old email address and the new email address. Email addresses are confidential information and shall not be made available to the public. This subdivision does not require an applicant or licensee to obtain an email address, it only requires that person report an existing email address to the Board.

(e) Licensee. For purposes of this section, 'licensee' includes any holder of an active, inactive, delinquent, suspended or expired license, certification or other authorization issued by the Board to practice occupational therapy which is not canceled or revoked.

(f) This section shall not apply to any person whose license has been revoked, surrendered, or cancelled.

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

AGENDA ITEM 14

DISCUSSION AND POSSIBLE ACTION TO CONSIDER INITIATION OF A RULEMAKING TO AMEND SECTION 4162 (*COMPLETION AND REPORTING REQUIREMENTS*) TO TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS (CCR).

INCLUDES THE FOLLOWING:

- 14.1 MEMORANDUM TO THE BOARD.
- 14.2 EXCERPT FROM AUGUST 24, 2023, BOARD MEETING MINUTES.
- 14.3 AMENDMENTS TO CCR SECTION 4162 AS APPROVED BY THE BOARD ON AUGUST 24, 2023.
- 14.4 PROPOSED LANGUAGE AMENDING CCR SECTION 4162 FOR BOARD VOTE.



MEMORANDUM

DATE	February 11, 2026
TO	Board of Occupational Therapy Members
FROM	Austin Porter, Executive Office Board of Occupational Therapy
SUBJECT	Agenda Item 14: Discussion and possible action to consider initiation of a rulemaking to amend Section 4162 of title 16 of the CCR (Completion and Reporting Requirements).

Background

The proposed regulatory language before the Board would establish requirements for the submission of continuing education records if a licensee were audited, establish requirements for documentation of participation in special interest or study groups and structured mentoring, and make technical changes to Section 4162.

History of the Issue

On August 24, 2023, the Board voted to initiate a rulemaking to amend Sections 4102, 4151- 4154, 4161, and 4162 of title 16 of the CCR. However, the rulemaking has not yet gone into effect or been approved by the Office of Administrative Law. Since then, the Board has voted to seek additional changes to all of the aforementioned code sections, except for Sections 4102 and 4161.

To efficiently enact all of the amendments sought to these sections, it would be prudent to initiate separate rulemakings for section 4102, sections 4151 – 4154, section 4161, and section 4162. This agenda item seeks to initiate a rulemaking to amend Section 4162. The Board has already voted on a new rulemaking incorporating the amendments from 2023 for Section 4161. Section 4102 was addressed in the previous agenda item. Sections 4151 – 4154 will be discussed at a future meeting.

Action Requested

Board staff asks that the Board consider the above along with the included materials and vote to initiate a rulemaking to amend Section 4162 of title 16 of the CCR.

Included Materials

- Excerpt from August 24, 2023, Board meeting minutes.
- Amendments to Section 4162 of title 16 of the CCR as approved by the Board on August 24, 2023.
- Proposed language to amend Section 4162 of title 16 of the CCR for Board vote.

Suggested Motion

"I move to approve the proposed regulatory text for Section 4161 [*as amended during the meeting or as presented*], direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 4102 of Title 16, California Code of Regulations as noticed, with the authority to make any technical or nonsubstantive changes."

Excerpt from August 24, 2023, Board Meeting Minutes

Agenda Item 9. Consideration and possible action to initiate a rulemaking package to amend CCR, Title 16, Division 39, Section 4102, Filing of Addresses, Section 4151, Hand Therapy, Section 4152, Physical Agent Modalities, Section 4153, Swallowing Assessment Evaluation, or Intervention, Section 4154, Education and Training, Section 4161, Continuing Competency, and Section 4162, Completion and Reporting Requirements.

CCR, Title 16, Division 39, Section 4102, Filing of Addresses.

President Miller commented that the Board has worked on a lot of language concerning the address of record and that violations concerning address changes is one of the main offenses by licensees for the Board.

Executive Officer Martin noted that the presented regulatory language concerning Filing of Addresses was modeled after other Boards.

Vice President Beata Morcos pointed out that the proposed language did not require an applicant or a licensee to obtain an email address, it only required that a person report an existing email address to the Board.

Attorney Helen Geoffroy explained that although email addresses are free, it is not for the government to impose upon a licensee to obtain one. The proposed language allowed flexibility; if the licensee has an email, they are required to report it, but it is not mandated to have one.

Secretary Do suggested that the Board replace the word “require.”

Ms. Geoffroy agreed that it would be helpful to change the language from “require” to “may” file a current email address.

Public Comment

Carlin Daley Reaume stated that she understood the proposed language to be saying that if a licensee had an email address, they had to report it. Carlin agreed that changing “require” to “may” could help licensees understand the regulatory language better.

President Miller thanked Ms. Daley Reaume for her comment.

Board Member Bookwalter expressed that he disagreed with using the word “may.”

President Miller suggested that the Board table the email discussion and return to it at a later time.

There were no additional Board member remarks.

There were no additional public comments.

CCR, Title 16, Division 39, Section 4151, Hand Therapy.

President Miller asked if the members of the Board that practice hand therapy if the Board had the right appropriate number of hours in the proposed language.

Board Member Richard Bookwalter expressed that he was still in favor of the language.

Public Comment

Carlin Daley Reaume, spoke on behalf of OTAC, and thanked the Board members for their work on the proposed hand therapy language and noted that OTAC was in support of the proposed language as well.

There were no additional Board member remarks.

There were no additional public comments.

CCR, Title 16, Division 39, Section 4152 Physical Agent Modalities.

Vice President Beata Morcos noted that in her opinion the language for using PAMs has become clearer.

Board Member Pavlovich suggested that the proposed language for PAMs expand to include curriculum course work.

President Miller praised Ms. Pavlovich for bringing up course work. She added that many of the curriculums are adding PAMs courses.

Ms. Martin explained that the education and training for PAMs Board approval must go beyond the Accreditation Council for Occupational Therapy Education (ACOTE) standards. The trainee must have a supervision agreement with their supervisor. Schools have added the courses in their curriculums to meet ACOTE standards but have not considered the requirements to achieve Board approval. Ms. Martin clarified that the hours from the courses achieved from the school curriculums cannot be used toward the required 240 supervised training hours required for Board approval.

Board Member Bookwalter reminded the Board of previous discussions concerning how the ACOTE standards did not align with the Board's standards. He would like to see the standards align someday.

Ms. Pavlovich stated OTAC took the position that if advanced practice is being taught in schools, Board approval should not be necessary.

Board Member Wietlisbach said that in the past, ACOTE standards for advanced practice did not exist and not all schools offered education in these practice areas. She believed that the Board should consider changing the way they view ACOTE standards as ACOTE continues to increase them.

Public Comment

Carlin Daley Reaume asked if there was an elective course that was beyond ACOTE standards, could it be possible for those hours to be counted toward advanced practice approval?

Ms. Martin confirmed that there could be a scenario where the hours counted toward education requirements for Board approval, however, not for the supervised training hours. The supervised training hours require a supervision agreement among other criteria.

There were no additional Board member remarks.
There were no additional public comments.

CCR, Title 16, Division 39, Physical Agent Modalities, Section 4153.

There were no Board member remarks.
There were no public comments.

CCR, Title 16, Division 39, Section 4154, Education and Training.

Executive Officer Heather Martin announced that the Board requires submission of an Application to Provide Advanced Practice Education.

Ms. Wietlisbach explained to the members of the public that if a course was not preapproved, it was an arduous process for the licensee to gather the necessary information for the Board to approve the hours. The Board hires a reviewer who evaluates the application and recommends approval of the course, award partial credit for the course, or deny it.

President Miller asked the audience to encourage their colleagues to go through this application process to get their courses pre-approved. She explained that taking courses that are not pre-approved could cost a licensee time and money.

There were no additional Board member remarks.
There were no additional public comments.

CCR, Title 16, Division 39, Section 4161, Continuing Competency and Section 4162, Completion and Reporting Requirements.

Secretary Do explained that out of the required 24 PDUs for renewal, a licensee must take at least 2 units related to ethics and at least one culturally related unit.

Public Comment

Domenique Embrey asked for confirmation that continuing competency courses for license renewal do not need Board approval and Ms. Miller confirmed.

There were no additional Board member remarks.
There were no additional public comments.

- Beata Morcos moved to approve the proposed regulatory text amending Sections 4102, 4151, 4152, 4153, 4154, 4161, and 4162 as presented and directed staff to submit the text and other required documents to the Director of DCA and the Business, Consumer Services, and Housing Agency for review, take all steps necessary to initiate the rulemaking process, and set the matter for a hearing, if requested.
- Hector Cabrera seconded the motion.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

There were no additional Board member remarks.

There were no additional public comments.

- Richard Bookwalter moved to delegate to the Executive Officer the ability to make edits to the text that are consistent with the law and substantially similar to the text of the policy approved by the Board at the meeting.
- Beata Morcos seconded the motion.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

Amendments to CCR Sections 4102, 4151, 4152, 4153, 4154, 4161, and 4162 as Approved by the Board on August 24, 2023.

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend section 4162 to read as follows:

§ 4162. Completion and Reporting Requirements.

(a) The occupational therapy practitioner shall record the following information for each activity on the renewal form:

- (1) the date each course or activity was completed;
- (2) the provider, ~~course number~~, and course title, ~~if applicable~~;
- (3) a description of the course; and
- (4) the ~~total~~ number of PDUs completed.

(b) Records showing participation in each professional development activity must be maintained by the occupational therapy practitioner for four years following the renewal period.

(c) A maximum of six PDUs in excess of the required 24 PDUs may be carried over to the next renewal period.

(d) Any occupational therapy practitioner who ~~is unable~~ fails to provide records documenting completion of the continuing competency requirements within 30 days of the Board's written request shall be issued a ~~is subject to~~ citation and/or administrative fine or shall be subject to disciplinary action.

(e) Any occupational therapy practitioner who fails to demonstrate completion of the PDUs required for license renewal shall be ordered to complete the number of hours needed to meet the renewal requirement.

(f) Any professional development units completed to satisfy a license renewal requirement, as ordered in subsection (e), cannot be used for a subsequent renewal.

(g) Any occupational therapy practitioner who is involved in a structured special interest or study group, shall document these activities throughout the study period, using the Study Group Report form (Form SGR New 01/2024), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

(h) Any occupational therapy practitioner who does structured mentoring with an individual skilled in a particular area or does structured mentoring of a colleague to improve his/her skills, shall document these activities throughout the mentoring period, using the Mentoring Report form (Form MNT New 01/2024), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

~~(e)~~(i) Any occupational therapy practitioner who supervises a Level I and/or Level II student shall document said supervision, immediately upon conclusion of the supervision period, using the Fieldwork Education PDU Attestation form (Form FEA New 6/2016), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

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

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 39.
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED REGULATORY LANGUAGE

Completion and Reporting 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 4162 of Division 39, Article 7, Title 16 of the California Code of Regulations to read as follows:

§ 4162. Completion and Reporting Requirements

(a) The occupational therapy practitioner shall record the following information for each activity on the renewal form:

- (1) the date each course or activity was completed;
- (2) the provider, ~~course number~~, and course title, ~~if applicable~~;
- (3) a description of the course; and
- (4) the ~~total~~ number of PDUs completed.

(b) Records showing participation in each professional development activity must be maintained by the occupational therapy practitioner for four years following the renewal period.

(c) A maximum of six PDUs in excess of the required 24 PDUs may be carried over to the next renewal period.

(d) Any occupational therapy practitioner who ~~is unable~~ fails to provide records documenting completion of the continuing competency requirements within 30 days of the Board's written request shall be issued a ~~is subject to~~ citation and/or administrative fine or shall be subject to disciplinary action.

(e) Any occupational therapy practitioner who fails to demonstrate completion of the PDUs required for license renewal shall be ordered to complete the number of hours needed to meet the renewal requirement.

(f) Any professional development units completed to satisfy a license renewal requirement, as ordered in subsection (e), cannot be used for a subsequent renewal.

(g) Any occupational therapy practitioner who is involved in a structured special interest or study group, shall document these activities throughout the study period, using the Study Group Report form (Form SGR New 01/2024), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

(h) Any occupational therapy practitioner who does structured mentoring with an individual skilled in a particular area or does structured mentoring of a colleague to improve his/her skills, shall document these activities throughout the mentoring period, using the Mentoring Report form (Form MNT New 01/2024), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

~~(e)~~(i) Any occupational therapy practitioner who supervises a Level I and/or Level II student shall document said supervision, immediately upon conclusion of the supervision period, using the Fieldwork Education PDU Attestation form (Form FEA New 6/2016), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code.
Reference: Section 2570.10, Business and Professions Code.

AGENDA ITEM 15

DISCUSSION AND POSSIBLE ACTION TO CONSIDER INITIATION OF A RULEMAKING TO AMEND SECTION 4180 (*DEFINITIONS*) AND 4181 (*SUPERVISION PARAMETERS*) TO TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS (CCR).

INCLUDES THE FOLLOWING:

- 15.1 MEMORANDUM TO BOARD.
- 15.2 EXCERPT FROM NOVEMBER 14, 2024, BOARD MEETING MINUTES.
- 15.3 PROPOSED LANGUAGE AMENDING CCR SECTIONS 4180 AND 4181 FOR BOARD VOTE.



MEMORANDUM

DATE	February 23, 2026
TO	Board of Occupational Therapy Members
FROM	Austin Porter, Executive Office Board of Occupational Therapy
SUBJECT	Agenda Item 15: Discussion and possible action to consider initiation of a rulemaking to amend Sections 4180 (Definitions) and 4181 (Supervision Parameters) of title 16 of the CCR.

History of the Issue

On November 14, 2024, the Board approved regulatory language amending Sections 4180 and 4181 of title 16 of the CCR. However, recent efforts by board staff to move language through the regulatory process have shown that a robust motion to initiate a rulemaking is often necessary to effect the desired change, and the motion from 2024 may not provide adequate support for the rulemaking.

Action Requested

Board staff asks that the Board consider the above along with the included materials and vote to initiate a rulemaking to amend Sections 4180 and 4181 of title 16 of the CCR.

Included Materials

- Excerpt from November 14, 2024, Board meeting minutes.
- Proposed language to amend Section 4162 of title 16 of the CCR for Board vote.

Suggested Motion

“I move to approve the proposed regulatory text for Sections 4180 and 4181 [*as amended during the meeting or as presented*], direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing

if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 4102 of Title 16, California Code of Regulations as noticed, with the authority to make any technical or nonsubstantive changes."

Excerpt from November 14, 2024, Board Meeting Minutes

Agenda Item 12. Consideration and possible action to initiate a rulemaking package to amend California Code of Regulations, Title 16, Division 39, Article 9, Section 4180 Definitions, and Section 4181, Supervision Parameters

Board Member Denise Miller would like to bring attention to the Ad Hoc Committee meeting minutes of October 23, 2024. The proposed language changes to California Code of Regulation, Title 16, Division 39, Article 9, Section 4180 Definitions and Section 4181, Supervision Parameters.

In CCR section 4180, Definitions, proposed language focused on clarifying the following terms:

- “Accredited”
- “Student”
- “Level I and Level II Field Work”
- “Entry Level Doctoral Capstone Student”
- “Faculty-Led Fieldwork”
- “Client Related Tasks”

In CCR section 4181, Supervision Parameters, proposed language focused on being more prescriptive and clarifying the ‘who’ and ‘how many’ that an occupational therapist and an occupational therapy assistant can supervise.

Mr. Bookwalter stated that the language on the supervision of OT’s only supervising two OTA’s came out of AOTA, OTAC’s and State Legislature, that was negotiated in 2000. The letters submitted to the Board, from both OTAC and AOTA are contradictory to their original request that was honored by the Board. Additionally, the limit on supervision of students, came out of a case brought up by Chuck Wilmarth of AOTA several years ago. Mr. Wilmarth spoke of a case where an Ohio OT was supervising an extraordinary number of students. A complaint was filed and the Ohio State Board, had no recourse but to say there was no limit and no law was broken. Therefore, this Board adopted the limit of how many Level I field work students can be supervised by an OT, by AOTA’s and OTAC’s recommendation.

Public Comment

Kristen Neville from AOTA commended the Committee on all their hard work on the Supervision Standards but clarified that OTAC’s is requesting that OTA’s be removed from CCR section 4181(g).

Samia Rafeedie from OTAC, requested OTA’s be removed from CCR Section 4181 because there is already a law that states, OT’s can supervise up to three OTA’s, and adding them in the proposed language will hinder the number of students, limited permit holders, doctoral capstone students that can be supervised.

EO Heather Martin recommended if the Board chose not to include OTA's as part of the three supervisees cap, to keep them in the current regulation, but remove them from 4181(g)(6), as opposed to using the law.

Board member, Christine Wietlisbach, stated she would be in favor of OTAC and AOTA's language change to remove subsection 4181(g)(6). OTA's are capable, licensed, and trained to not require much assistance, supervision, and oversight from their supervising OT as a student would. For the benefit of the consumer and continuity of care, these changes in the language would be beneficial.

- Denise Miller moved to accept the language proposed by the Ad Hoc Committee on Supervision Standards for Section 4181 with the following changes:
 - Change subsection (b) to read “The supervising occupational therapist has the ~~continuing~~ responsibility to ~~follow~~ assure that an occupational therapist follows the progress of each client...”;
 - Remove the word “non” from proposed subsection (d)(1);
 - Add proposed subsection (d)(5) to read “Level I fieldwork students exclusively in an observational role or providing non-client related tasks.”;
 - Remove proposed subsection (g)(6);
- Beata Morcos seconded the motion.

Kristen Neville and Samia Rafeedie thanked both the Board and the Committee.

Board Member Vote

Denise Miller	Yes
Christine Wietlisbach	Yes
Sharon Pavlovich	Yes
Richard Bookwalter	Yes
Beata Morcos	Yes
Hector Cabrera	Absent
Lynna Do	Absent

The motion carried.

- Denise Miller moved to accept the language proposed by the Ad Hoc Committee on Supervision Standards for CCR Section 4180.
- Beata Morcos seconded the motion.

Kristen Neville asked for further clarification about whether the Board intended to support the ACOTE standards when using the term “direct supervision” and whether it should be defined in the language. The Board determined that would best be addressed as a separate motion.

There were no additional public comments.

Board Member Vote

Denise Miller	Yes
Christine Wietlisbach	Yes
Sharon Pavlovich	Yes
Richard Bookwalter	Yes
Beata Morcos	Yes
Hector Cabrera	Absent
Lynna Do	Absent

The motion carried.

Board Member Vote

Denise Miller	Yes
Christine Wietlisbach	Yes
Sharon Pavlovich	Yes
Richard Bookwalter	Yes
Beata Morcos	Yes
Hector Cabrera	Absent
Lynna Do	Absent

The motion carried.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 39.
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED REGULATORY LANGUAGE

Definitions, Supervision Parameters

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 4180 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4180. Definitions

In addition to the definitions found in Business and Professions Code sections 2570.2, and 2570.3, 2570.4, and 2570.6, the following terms are used and defined herein:

(a) "~~Client related tasks~~" means ~~tasks performed as part of occupational therapy services rendered directly to the client.~~ "Accredited" means an entry-level occupational therapy degree program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE), or an entry-level degree program with candidacy status or pre-accreditation status with ACOTE.

(b) "Student" means an individual enrolled in an accredited entry-level occupational therapy or occupational therapy assistant degree program.

~~(b)(c)~~ "Level I fieldwork student" means an occupational therapy or occupational therapy assistant student participating participation in activities designed to introduce him or her the student to fieldwork experiences, apply knowledge to practice, and develop an understanding of the needs of clients.

~~(c)(d)~~ "Level II fieldwork student" means an occupational therapy or occupational therapy assistant student participating participation in delivering occupational therapy services, under direct supervision of a licensee, to clients with the goal of developing competent, entry-level practitioners.

(e) "Entry-level doctoral capstone student" means an occupational therapy student completing a doctoral capstone project and experience.

(f) "Faculty-led fieldwork" means a fieldwork completed in direct in-sight supervision of a licensed occupational therapist or occupational therapy assistant employed by an accredited California educational institution.

(g) "Client related tasks" means tasks performed as part of occupational therapy services rendered directly to the client.

~~(d)(h)~~ "Non-client related tasks" means clerical, secretarial and administrative activities; transportation of patients/clients; preparation or maintenance of treatment

equipment and work area; taking care of patient/client personal needs during treatments; and assisting in the construction of adaptive equipment and splints.
(e)(i) "Periodic" means at least once every 30 days.

Note: Authority cited: Sections 2570.13 and 2570.20, Business and Professions Code.
Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

Amend section 4181 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4181. Supervision Parameters

(a) Appropriate supervision of an occupational therapy assistant includes, at a minimum:

(1) The weekly review of the occupational therapy plan and implementation and periodic onsite review by the supervising occupational therapist. The weekly review shall encompass all aspects of occupational therapy services and be completed by telecommunication or onsite.

(2) Documentation of the supervision, which shall include either documentation of direct client care by the supervising occupational therapist, documentation of review of the client's medical and/or treatment record and the occupational therapy services provided by the occupational therapy assistant, or co-signature of the occupational therapy assistant's documentation.

(3) The supervising occupational therapist shall be readily available in person or by telecommunication to the occupational therapy assistant at all times while the occupational therapy assistant is providing occupational therapy services.

(4) The supervising occupational therapist shall provide periodic on-site supervision and observation of client care rendered by the occupational therapy assistant.

(b) The supervising occupational therapist shall at all times be responsible for all occupational therapy services provided by an occupational therapy assistant, a limited permit holder, a student or an aide. The supervising occupational therapist ~~has continuing responsibility to follow~~ shall ensure that an occupational therapist follows the progress of each client, ~~and provides direct care to the client, and assure~~ The supervising occupational therapist shall ensure that the occupational therapy assistant, limited permit holder, student or aide does not function autonomously.

(c) The level of supervision for all personnel is determined by the supervising occupational therapist whose responsibility it is to ensure that the amount, degree, and pattern of supervision are consistent with the knowledge, skill and ability of the person being supervised.

~~(d) Occupational therapy assistants may supervise:~~

~~(1) Level I occupational therapy students;~~

~~(2) Level I and Level II occupational therapy assistant students; and~~

~~(3) Aides providing non-client related tasks.~~

(d) Occupational therapy assistants may supervise no more than a total of three of the following:

- (1) Aides providing client related tasks;
- (2) Level I fieldwork students directly engaged in client-related tasks or patient/client care;
- (3) Level II fieldwork occupational therapy assistant students, at any one time; and
- (4) Occupational therapy assistant limited permit holders, at any one time;
- (e) Occupational therapy assistants may supervise no more than 20 Level I fieldwork students in a faculty-led fieldwork, at any one time.
- (f) Without limitation, occupational therapy assistants may supervise:
 - (1) Entry-level doctoral capstone students completing an experience in research skills, administration, leadership, program and policy development, advocacy, or education, as required by an accredited educational program; and
 - (2) Level I fieldwork students exclusively in an observational role or providing non-client related tasks.
- (g) Occupational therapists may supervise no more than a total of three of the following:
 - (1) Level I fieldwork students directly engaged in client-related tasks or patient/client care;
 - (2) Level II fieldwork students, at any one time;
 - (3) Entry-level doctoral capstone students completing a clinical, direct patient/client care experience, at any one time;
 - (4) Occupational therapist limited permit holders, at any one time; and
 - (5) Occupational therapy assistant limited permit holders, at any one time.
- (h) In addition to the supervision limits specified in subsection (g), occupational therapists may supervise no more than three occupational therapy assistants.
- (i) Occupational therapists may supervise no more than 20 Level I fieldwork students in a faculty-led fieldwork, at any one time.
- (j) Without limitation, occupational therapists may supervise:
 - (1) Entry-level doctoral capstone students completing an experience in research skills, administration, leadership, program and policy development, advocacy, and education, as required by an accredited educational program; and
 - (2) Level I fieldwork students exclusively in an observational role or providing non-client related tasks.
- (e)(k) The supervising occupational therapist shall determine that the occupational therapy practitioner possesses a current license or permit to practice occupational therapy prior to allowing the person to practice or to provide occupational therapy services, education, or supervision.

Note: Authority cited: Sections 2570.13 and 2570.20, Business and Professions Code.
Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.