

*California*

BOARD OF OCCUPATIONAL THERAPY



**2005**

# **Sunset Review Report**

**Presented to the:  
Joint Committee on Boards,  
Commissions & Consumer Protection**

Submitted September 1, 2005

Members:

Luella Grangaard, OTR, President

Christine Wietlisbach, OTR, Vice President

Mary Evert, OT, Secretary

Margaret Cunningham, Public Member

Collins E. "Hugh" Smith, Jr., Public Member

Gladys Mitchell, Interim Executive Officer

**California Board of Occupational Therapy  
Sunset Review Report  
2005**

**Table of Contents**

<u>Subject</u>	<u>Page Number</u>
Background and Description of the Board and Profession.....	1
Budget and Staff.....	11
Licensure Requirements.....	14
Enforcement Activity.....	21
Enforcement Expenditures and Cost Recovery.....	29
Restitution Provided to Consumers.....	30
Complaint Disclosure Policy.....	31
Consumer Outreach, Education and Use of the Internet.....	31
Board's Response to Issues Identified at Prior Sunset Review.....	34
Appendix A.....	37
Appendix B.....	40
Appendix C.....	41
Appendix D.....	42
Appendix E.....	43
Appendix F.....	44

# **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**

## **BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM**

### **BACKGROUND AND DESCRIPTION OF THE BOARD AND PROFESSION**

**The Mission of The California Board of Occupational Therapy is:**

**“To protect the well-being of the public by regulating the practice of occupational therapy by:”**

- ◆ **Enforcing the laws and regulations of occupational therapy; and providing effective means for resolving consumer complaints**
- ◆ **Ensuring that those entering the profession meet minimum standards of competency through education, fieldwork and examination**
- ◆ **Defining and upholding professional and ethical standards of practice**
- ◆ **Informing the public and other entities about the profession and standards of practice**

#### **→ Explanation of the History and Function of the Board.**

Occupational Therapy was established in 1917 to treat World War I soldiers and is one of the oldest allied health professions in the United States. Occupational therapists used functional activities to increase the independence of veterans returning from the European warfront with physical and psychological trauma. The use of activity or “occupation” as a treatment modality continues today.

California enacted a title control/Title Act for occupational therapy in 1977 (Business & Professions Code (B & P Code), Section 2570, [Stats 1977 ch 836] prohibiting individuals from using the professional titles occupational therapist (OT, OTR) and occupational therapy assistant (OTA, COTA) without appropriate professional training. The law was amended in 1993 [Stats 1992 ch 361] to further clarify the threshold education and examination requirements for occupational therapy practitioners. The law had no registration process with the state or enforcement structure. Nor did it prevent an unqualified individual from practicing occupational therapy as long as the individual did not refer to himself as an occupational therapist or occupational therapist assistant.

Senate Bill (SB) 1046, [Stats 2000, ch 697] created the California Board of Occupational Therapy (Board), operative January 1, 2001. The Board is responsible for the licensure and regulation of Occupational Therapists (OT) and Occupational Therapy Assistants (OTA) in California. Occupational therapists use the professional titles “Occupational Therapist”, “OT”, “OTR” and “OTR/L”. Occupational therapy assistants use the professional titles “Occupational Therapy Assistant”, “OTA”, “COTA”, “COTA/C”. The “L” designates licensed and “C” designates certified.

Occupational therapy practitioners provide important health and rehabilitation services to people of all ages, who, because of illness, injury, developmental or psychological impairment, need specialized intervention to regain, develop, or build skills necessary for independent functioning. The focus of occupational therapy is on an individual's ability to effectively engage in performance areas that are purposeful and meaningful, such as activities of daily living (ADL's), work and other productive activities.



















**Table 2**

LICENSING DATA FOR OCCUPATIONAL THERAPY ASSISTANT	FY 2001/02	FY 2002/03	FY 2003/04	FY 2004/05
<b>Total Licensed</b>	Total: 104	Total: 1,250	Total: 1,425	Total: 1,549
California	104	1,238	1,393	1,496
Out-of-State	0	12	32	53
<b>Applications Received</b>	Total: NDA	Total: NDA	Total: NDA	Total: NDA
<b>Applications Denied</b>	Total: 0	Total: 7	Total: 1	Total: 2
<b>Certifications Issued</b>	Total: 104	Total: 1,146	Total: 175	Total: 124
<b>Renewals Issued</b>	Total: 0	Total: 247	Total: 1,213	Total: 1,277
<b>Statement of Issues Filed</b>	Total: 0	Total: 3	Total: 2	Total: 1
<b>Statement of Issues Withdrawn</b>	Total: 0	Total: 0	Total: 0	Total: 0
<b>Licenses Denied</b>	Total: 0	Total: 3	Total: 0	Total: 3

**Table 3**

LICENSING DATA FOR LIMITED PERMIT-OCCUPATIONAL THERAPIST	FY 2001/02	FY 2002/03	FY 2003/04	FY 2004/05
<b>Total Permits</b>	Total: 0	Total: 130	Total: 261	Total: 373
California	0	130	261	373
Out-of-State	0	0	0	0
<b>Applications Received</b>	Total: NDA	Total: NDA	Total: NDA	Total: NDA
<b>Applications Denied</b>	Total: 0	Total: 0	Total: 0	Total: 0
<b>Permits Issued</b>	Total: 0	Total: 130	Total: 131	Total: 112
<b>Renewals Issued</b>	Total: N/A	Total: N/A	Total: N/A	Total: N/A
<b>Statement of Issues Filed</b>	Total: 0	Total: 0	Total: 0	Total: 0
<b>Statement of Issues Withdrawn</b>	Total: 0	Total: 0	Total: 0	Total: 0
<b>Licenses Denied</b>	Total: 0	Total: 0	Total: 0	Total: 0

**Table 4**

LICENSING DATA FOR LIMITED PERMIT-OCCUPATIONAL THERAPY ASSISTANT	FY 2001/02	FY 2002/03	FY 2003/04	FY 2004/05
<b>Total Licensed</b>	Total: 0	Total: 9	Total: 21	Total: 51
California	0	9	21	51
Out-of-State	0	0	0	0
<b>Applications Received</b>	Total: NDA	Total: NDA	Total: NDA	Total: NDA
<b>Applications Denied</b>	Total: 0	Total: 0	Total: 0	Total: 0
<b>Permits Issued</b>	Total: 0	Total: 9	Total: 12	Total: 30
<b>Renewals Issued</b>	Total: N/A	Total: N/A	Total: N/A	Total: N/A
<b>Statement of Issues Filed</b>	Total: 0	Total: 0	Total: 0	Total: 0
<b>Statement of Issues Withdrawn</b>	Total: 0	Total: 0	Total: 0	Total: 0
<b>Licenses Denied</b>	Total: 0	Total: 0	Total: 0	Total: 0























## ENFORCEMENT ACTIVITY

The Board acknowledges all complaints within ten (10) days of receipt. Every attempt is made to review complaints for jurisdiction, complexity and availability of evidentiary documentation within thirty (30) days. Complaints that are determined to be complex in nature or require extensive review of medical records or witness interviews are referred to DOI. The Board resolves less complex complaints in-house. When resolving a complaint in-house, Board staff takes into consideration the nature and severity of the violation, the duration of time elapsed since the violation, the subject's criminal history and/or prior complaints filed. Upon completion of initial review, the following actions may be taken:

- Contacting the complainant for clarification and/or additional information.
- Contacting the subject for a response to the allegation.
- Obtaining medical and billings records.
- Obtaining arrest reports and certified court documents.
- Preparing cases for review by an expert consultant.
- Discussing legal issues with the Attorney General Office's Board liaison

**Table 14**

ENFORCEMENT DATA	FY 2001/02	FY 2002/03	FY 2003/04	FY 2004/05
<b>Inquiries</b>	Total: 48	Total: 261	Total: 115	Total: 138
<b>Complaints Received (Source)</b>	Total: 48	Total: 261	Total: 115	Total: 138
Public	7	9	13	11
Licensee/Professional Groups	1	3	5	14
Governmental Agencies	13	50	43	53
Internal/Other	27	199	54	60
<b>Complaints Filed (By Type)</b>	Total: 48	Total: 261	Total: 115	Total: 138
Competence/Negligence	3	2	1	1
Unprofessional Conduct	5	12	14	24
Fraud	3	1	7	4
Health & Safety	0	1	0	0
Unlicensed Activity	0	1	9	28
Personal Conduct	37	244	84	81
<b>Complaints Closed</b>	Total: 27	Total: 264	Total: 97	Total: 111
<b>Investigations Commenced (DOI)</b>	Total: 0	Total: 2	Total: 6	Total: 8
<b>Compliance Actions</b>	Total: 7	Total: 73	Total: 18	Total: 40
ISOs & TROs Issued	0	0	0	0
Citations and Fines	0	0	2	20
Public Letter of Reprimand	0	0	0	0
Cease & Desist/Warning	7	73	16	20
Referred for Diversion	N/A	N/A	N/A	N/A
Compel Examination	0	0	0	0
<b>Referred for Criminal Action</b>	Total: 0	Total: 0	Total: 0	Total: 1
<b>Referred to AG's Office</b>	Total: 0	Total: 1	Total: 5	Total: 3
Accusations Filed	0	1	2	5
Accusations Withdrawn	0	0	0	0
Accusations Dismissed	0	0	0	0
<b>Stipulated Settlements</b>	Total: 0	Total: 6	Total: 4	Total: 5
<b>Disciplinary Actions</b>	Total:	Total: 6	Total: 4	Total: 9
Revocation	0	0	0	3
Voluntary Surrender	0	0	0	0
Suspension Only	0	0	0	0
Probation with Suspension	0	0	0	0
Probation	0	0	1	2
Probationary License Issued	0	6	3	4
<b>Probation Violations</b>	Total:	Total:	Total:	Total:
Suspension or Probation	0	0	0	0
Revocation or Surrender	0	0	0	0
<b>*NOTES:</b>				















































