

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

SUNSET REVIEW REPORT 2026

PRESENTED TO THE SENATE COMMITTEE ON BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT AND THE ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS



CALIFORNIA DEPARTMENT OF
CONSUMER
AFFAIRS

A letter from Beata Draga Morcos, President California Board of Occupational Therapy

On behalf of the California Board of Occupational Therapy (CBOT), I am honored for the opportunity to present our 2025 Sunset Review Report. The mission of CBOT is to protect California consumers of occupational therapy services through effective regulation, licensing and enforcement. The vision of CBOT, as a model consumer protection agency within the Department of Consumer Affairs, aspires to be recognized for our valued commitment to all of our stakeholders. As a board we value consumer protection, efficiency, fairness, integrity, commitment and transparency.

Occupational therapy practitioners are comprised of both occupational therapists and occupational therapy assistants. In the state of California there are currently 19 accredited OT programs and 11 OTA programs. There are more than 22,000 active practitioners in California.

This Sunset Review Report addresses previous queries, current status, and future goals. We believe we have shared with you all the vital information needed to help you understand applicant qualifications, enforcement, outreach and communication, laws and regulations, and organizational effectiveness. As an entity, we hope this document serves as evidence of our commitment to all consumers of occupational therapy services.



Beata Draga Morcos
President, Board of Occupational Therapy



MISSION

To protect California consumers of occupational therapy services through effective regulation, licensing, and enforcement.

BOARD MEMBERS

Beata Draga Morcos, *President*

Christine Wietlisbach, *Vice President*

Ada Boone Hoerl, *Secretary*

Luis Arabit

Matthew Greco

Virginia Santos

Erin Schwier

AUSTIN PORTER

Executive Officer

TABLE OF CONTENTS

SECTION 1 —Background and Description of the Board and Regulated Profession.....	2
SECTION 2 —Fiscal and Staff	21
SECTION 3 —Licensing Program.....	28
SECTION 4 —Enforcement Program.....	40
SECTION 5 —Public Information Policies.....	55
SECTION 6 —Online Practice Issues	58
SECTION 7 —Workforce Development and Job Creation.....	60
SECTION 8 —Current Issues.....	63
SECTION 9 —Board Action and Response to Prior Sunset Issues	65
SECTION 10 —New Issues	83
SECTION 11 —Attachments	87

INDEX OF ATTACHMENTS

ATTACHMENT A

Board's administrative manual (cf., Section 1, Question 1).

ATTACHMENT B

Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).

ATTACHMENT C

Year-end organization charts for last four fiscal years (cf., Section 2, Question 15).

ATTACHMENT D

2025–2030 Strategic Plan.

ATTACHMENT E

Complaint Prioritization Guidelines (cf., Section 4, Question 34).

SECTION 1

BACKGROUND AND DESCRIPTION OF THE BOARD



Section 1 – Background and Description of the Board and Regulated Profession

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

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

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

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

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

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

To accomplish its mission, the Board:

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

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

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

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

1. Describe the make-up and functions of each of the board's committees (cf., Section 11, Attachment B).

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

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

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

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

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

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

Administrative Committee

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

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

Education and Outreach Committee

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

Legislative and Regulatory Affairs Committee

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

Practice Committee

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

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

Table 1.a.1 Attendance

Richard Bookwalter

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

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

Ad Hoc DPR Committee	4/10/2024	Virtual	YES
Leg Reg Affairs Committee	4/24/2024	Virtual	YES
Ad Hoc DPR Committee	4/29/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Practice Committee	6/21/2024	Virtual	YES
Practice Committee	8/2/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Practice Committee	10/11/2024	Virtual	YES
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	YES
Ad Hoc DPR Committee	1/15/2025	Virtual	YES
Board Meeting	1/24/2025	Sacramento, CA	YES
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES
Ad Hoc DPR Committee	4/16/2025	Virtual	YES
Practice Committee	4/25/2025	Virtual	YES
Board Meeting	5/23/2025	Virtual	YES
Board Meeting	6/12/2025	Hybrid	YES
Board Meeting	6/13/2025	Hybrid	YES

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

Table 1.a.2 Attendance

Hector Cabrera

Appointed: 5/6/2022

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

Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Board Meeting	12/13/2023	Virtual	YES
Ad Hoc DPR Committee	2/8/2024	San Marcos, CA	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Ad Hoc DPR Committee	4/10/2024	Virtual	YES
Ad Hoc DPR Committee	4/29/2024	Virtual	NO
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Ad Hoc Non-Licensee Comm.	8/5/2024	Virtual	NO
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	NO
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	NO
Board Meeting	11/14/2024	San Rafael, CA	NO
Board Meeting	11/15/2024	San Rafael, CA	NO
Board Meeting	12/13/2024	Sacramento, CA	YES
Ad Hoc DPR Committee	1/15/2025	Virtual	YES
Board Meeting	1/24/2025	Sacramento, CA	NO
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES
Ad Hoc DPR Committee	4/16/2025	Virtual	YES
Board Meeting	5/23/2025	Virtual	YES
Board Meeting	6/12/2025	Hybrid	YES
Board Meeting	6/13/2025	Hybrid	YES

Table 1.a.3 Attendance

Lynna Do

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

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

Board Meeting	11/4/2022	San Marcos, CA	NO
Board Meeting	12/14/2022	Virtual	YES
Board Meeting	2/9/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	2/10/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	4/13/2023	Virtual	NO
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	YES
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Practice Committee	10/13/2023	Virtual	NO
Board Meeting	11/2/2023	Glendale, CA	NO
Board Meeting	11/3/2023	Glendale, CA	NO
Practice Committee	12/8/2023	Virtual	NO
Board Meeting	12/13/2023	Virtual	YES
Ad Hoc Budget Committee	12/18/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Practice Committee	3/1/2024	Virtual	NO
Leg Reg Affairs Committee	3/13/2024	Virtual	YES
Leg Reg Affairs Committee	4/24/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Practice Committee	6/21/2024	Virtual	NO
Practice Committee	8/2/2024	Virtual	NO
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	NO
Practice Committee	10/11/2024	Virtual	NO
Board Meeting	11/14/2024	San Rafael, CA	NO
Board Meeting	11/15/2024	San Rafael, CA	NO
Board Meeting	12/13/2024	Sacramento, CA	YES
Board Meeting	1/24/2025	Sacramento, CA	YES
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES

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

*Resigned on March 13, 2025.

Table 1.a.4 Attendance

Jeff Ferro

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

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

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

Table 1.a.5 Attendance

Denise Miller

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

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

Board Meeting	11/3/2023	Glendale, CA	YES
Board Meeting	12/13/2023	Virtual	YES
Ad Hoc Budget Committee	12/18/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Ad Hoc Supervision Standards	4/12/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Ad Hoc Supervision Standards	6/26/2024	Virtual	YES
Ad Hoc Supervision Standards	8/14/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Ad Hoc Supervision Standards	9/17/2024	Virtual	YES
Ad Hoc Supervision Standards	9/25/2024	Virtual	YES
Ad Hoc Supervision Standards	10/23/2024	Virtual	YES
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	YES

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

Table 1.a.6 Attendance

Beata Morcos

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

Meeting Type	Meeting Date	Meeting Location	Attended?
Ad Hoc Sunset Committee	9/1/2021	Virtual	YES
Board Meeting	9/13/2021	Virtual	YES
Ad Hoc Sunset Committee	10/14/2021	Virtual	YES
Board Meeting	10/21/2021	Virtual	YES
Board Meeting	11/4/2021	Virtual	YES
Board Meeting	11/5/2021	Virtual	YES
Ad Hoc Sunset Committee	11/16/2021	Virtual	YES
Board Meeting	12/1/2021	Virtual	YES
Board Meeting	2/15/2022	Virtual	YES
Board Meeting	5/19/2022	Carson, CA	YES
Board Meeting	5/20/2022	Carson, CA	YES
Board Meeting	7/27/2022	Virtual	YES
Board Meeting	8/18/2022	Virtual	YES
Board Meeting	8/19/2022	Virtual	YES
Board Meeting	11/3/2022	San Marcos, CA	YES
Board Meeting	11/4/2022	San Marcos, CA	YES
Board Meeting	12/14/2022	Virtual	YES
Board Meeting	2/9/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	2/10/2023	Sacramento, CA (Hybrid)	YES
Administrative Committee	3/22/2023	Virtual	YES

Board Meeting	4/13/2023	Virtual	YES
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	YES
Administrative Committee	8/18/2023	Burbank, CA	YES
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Administrative Committee	9/29/2023	Burbank, CA	YES
Ad Hoc Non-Licensee Comm.	10/12/2023	Virtual	YES
Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Board Meeting	12/13/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Ad Hoc Supervision Standards	4/12/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Ad Hoc Supervision Standards	6/26/2024	Virtual	NO
Ad Hoc Non-Licensee Comm.	8/5/2024	Virtual	YES
Ad Hoc Supervision Standards	8/14/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Ad Hoc Supervision Standards	9/17/2024	Virtual	YES
Ad Hoc Supervision Standards	9/25/2024	Virtual	NO
Ad Hoc Supervision Standards	10/23/2024	Virtual	YES
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	YES
Board Meeting	1/24/2025	Sacramento, CA	YES
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES
Board Meeting	5/23/2025	Virtual	YES
Board Meeting	6/12/2025	Hybrid	YES
Board Meeting	6/13/2025	Hybrid	YES

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

Table 1.a.7 Attendance

Sharon Pavlovich

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

Meeting Type	Meeting Date	Meeting Location	Attended?
Ad Hoc OTD Committee	8/16/2021	Virtual	YES
Ad Hoc Sunset Committee	9/1/2021	Virtual	YES
Board Meeting	9/13/2021	Virtual	YES
Ad Hoc OTD Committee	10/6/2021	Virtual	YES

Ad Hoc Sunset Committee	10/14/2021	Virtual	YES
Board Meeting	10/21/2021	Virtual	YES
Board Meeting	11/4/2021	Virtual	YES
Board Meeting	11/5/2021	Virtual	YES
Ad Hoc Sunset Committee	11/16/2021	Virtual	YES
Board Meeting	12/1/2021	Virtual	YES
Board Meeting	2/15/2022	Virtual	YES
Board Meeting	5/19/2022	Carson, CA	YES
Board Meeting	5/20/2022	Carson, CA	YES
Board Meeting	7/27/2022	Virtual	YES
Board Meeting	8/18/2022	Virtual	YES
Board Meeting	8/19/2022	Virtual	YES
Board Meeting	11/3/2022	San Marcos, CA	YES
Board Meeting	11/4/2022	San Marcos, CA	NO
Board Meeting	12/14/2022	Virtual	YES
Board Meeting	2/9/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	2/10/2023	Sacramento, CA (Hybrid)	YES
Board Meeting	4/13/2023	Virtual	YES
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	NO
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Ad Hoc Non-Licensee Comm.	10/12/2023	Virtual	YES
Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Board Meeting	12/13/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Ad Hoc Supervision Standards	4/12/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Ad Hoc Supervision Standards	6/26/2024	Virtual	YES
Ad Hoc Non-Licensee Comm.	8/5/2024	Virtual	YES
Ad Hoc Supervision Standards	8/14/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Ad Hoc Supervision Standards	9/17/2024	Virtual	NO
Ad Hoc Supervision Standards	9/25/2024	Virtual	YES
Ad Hoc Supervision Standards	10/23/2024	Virtual	NO
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	YES

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

Table 1.a.8 Attendance

Christine Wietlisbach

Appointed: 5/12/2023

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	5/18/2023	San Marcos, CA	YES
Board Meeting	5/19/2023	San Marcos, CA	YES
Board Meeting	8/24/2023	Oakland, CA	YES
Board Meeting	8/25/2023	Oakland, CA	YES
Practice Committee	10/13/2023	Virtual	YES
Board Meeting	11/2/2023	Glendale, CA	YES
Board Meeting	11/3/2023	Glendale, CA	YES
Practice Committee	12/8/2023	Virtual	YES
Board Meeting	12/13/2023	Virtual	YES
Board Meeting	2/8/2024	San Marcos, CA	YES
Board Meeting	2/9/2024	San Marcos, CA	YES
Practice Committee	3/1/2024	Virtual	YES
Leg Reg Affairs Committee	3/13/2024	Virtual	YES
Leg Reg Affairs Committee	4/24/2024	Virtual	YES
Board Meeting	5/2/2024	Sacramento, CA (Hybrid)	YES
Board Meeting	5/3/2024	Sacramento, CA (Hybrid)	YES
Practice Committee	6/21/2024	Virtual	YES
Practice Committee	8/2/2024	Virtual	YES
Board Meeting	8/22/2024	Riverside, CA (Hybrid)	YES
Board Meeting	8/23/2024	Riverside, CA (Hybrid)	YES
Practice Committee	10/11/2024	Virtual	YES
Board Meeting	11/14/2024	San Rafael, CA	YES
Board Meeting	11/15/2024	San Rafael, CA	YES
Board Meeting	12/13/2024	Sacramento, CA	NO
Board Meeting	1/24/2025	Sacramento, CA	YES
Board Meeting	2/14/2025	Virtual	YES
Board Meeting	3/6/2025	Claremont, CA (Hybrid)	YES
Board Meeting	3/7/2025	Claremont, CA (Hybrid)	YES
Practice Committee	4/25/2025	Virtual	YES
Board Meeting	5/23/2025	Virtual	YES
Board Meeting	6/12/2025	Hybrid	YES
Board Meeting	6/13/2025	Hybrid	YES

Table 1.b Board Member Roster

Member Name	Date First Appointed	Date Reappointed	Date Term Expires	Appointing Authority	Type (Public or Professional)
Current Members					
Arabit, Luis	9/10/2025		12/31/2027	Governor	Professional (OT)
Boone Hoerl, Ada	9/10/2025		12/31/2027	Governor	Professional (OTA)
Greco, Matthew	7/16/2025		12/31/2028	Senate Rules	Public
Morcos, Beata D.	5/19/2015	5/18/2023	12/31/2026	Governor	Public
Santos, Virginia	6/30/2025		12/31/2028	Assembly Speaker	Public
Schwier, Erin	9/10/2025		12/31/2028	Governor	Professional (OT)
Wietlisbach, Christine	5/12/2023		12/31/2026	Governor	Professional (OT)
Past Members					
Bookwalter, Richard	3/05/2014	5/04/2021	12/31/2024	Governor	Professional (OT)
Cabrera, Hector	5/06/2022		12/31/2024	Assembly Speaker	Public
Do, Lynna	7/25/2020	1/16/2025	Resigned 3/13/2025	Senate Rules	Public
Ferro, Jeff	1/30/2014	12/11/2017	12/31/2020	Assembly Speaker	Public
Miller, Denise	5/15/2013	1/22/2021	12/31/2023	Governor	Professional (OT)
Pavlovich, Sharon	8/16/2013	1/21/2021	12/31/2023	Governor	Professional (OTA)

Luis Arabit OTD, MS, OTR/L, is an Associate Professor at San Jose State University since 2018. He was OT supervisor and rehabilitation coordinator for Adventist Health White Memorial from 2001 to 2018. He served as Vice President of the Occupational Therapy Association of California from 2015-2017 and was the Western Regional Director of the American Occupational Therapy Political Action Committee from 2018-2024. A Fellow of the American Occupational Therapy Association, he earned his OT doctoral degree from the University of St Augustine; Master of Science in Rehabilitation Sciences from Texas Tech University; and his Bachelor of Science OT degree from the University of the Philippines. He is an accomplished and experienced occupational therapist, educator, researcher and leader advocate with a demonstrated history working in the hospital and healthcare industry and in higher education. His expertise in OT practice includes neurorehabilitation, orthopedic clinical practice, and administration/management.

Ada Boone Hoerl MA, COTA/L, ROH, has been an occupational therapy assistant since 1994. She worked in acute, post-acute, and community-based rehabilitation services from 1994 to 2007, focused on treatment of brain injury, cognitive and neurological impairments, and adult behavioral issues. She was also an adjunct professor in the Sacramento City College Occupational Therapy Assistant Program from 1994 to 2007. She has been the program director and professor since 2007. She is an active member of the American Occupational Therapy Association and the Occupational Therapy Association of California. She is a frequent presenter and volunteer for state association events. Hoerl earned an Associate of Science degree in Occupational Therapy from Sacramento City College and a Master of Arts degree in Education with an emphasis in adult learning disabilities from California State University, Sacramento. She is also a member of the Honor Society of Phi Kappa Phi.

Matthew Greco J.D. has been a Deputy District Attorney in San Diego for twenty-nine years, author of the California Criminal Mental Health Manual, member of the Rancho Bernardo Community Council and volunteer for Serving Seniors.

Beata Draga Morcos has been serving on the board since 2015. Ms. Morcos has been President and Chief Executive Officer since 2013 at The MORCOS Group, Inc., a California Corporation providing Transportation, Water, and Wastewater Engineering, Construction Management, and Community Outreach Services. She has served as Board Member of the California Workforce Investment Board from 2013 to 2015. Ms. Morcos has served as the California State Executive Director and CEO at the Black American Political Association of California (BAPAC) from 2008 to 2016, working closely with local and state elected officials and communities to create equality and opportunities for all Californians.

Virginia Santos brings nearly three decades of experience in early childhood education and nonprofit leadership. She has served as the Mexican American Opportunity Foundation's (MAOF) Chief Operating Officer since 2018 and oversees the organization's comprehensive Programs and Services divisions, including Early Head Start, Preschool, R&R, CalWORKs, Child Care, and Facilities. She began her career at MAOF in 1995 as a Head Start teacher and now leads the agency's Early Childhood Education Services, IT, and infrastructure departments. Santos holds a B.A. in Child Development from Cal State Los Angeles and an M.S. in Leadership and Management from the University of La Verne.

Erin Schwier EdD, OTD, OTR/L, is the Associate Dean for the Occupational Therapy programs at University of St. Augustine for Health Sciences (USAHS). She also currently serves as the OT Program Director on the San Marcos, CA campus. In addition to the 15 years of experience in higher education, she brings more than 20 years of experience working with children with disabilities and their families to her position. She previously worked as a pediatric therapist in San Diego County, specializing in sensory integration, community integration, and the influence on academic performance and social skills. She is a frequent presenter on topics related to occupational therapy

education, pediatric and mental health practice, and has published in professional journals including OT Practice and the Disability Journal of Health. She has contributed chapters and served as editor for occupational therapy textbooks and co-authored *Breaking Bread and Nourishing Connections* (Brooks Publishing, 2005). Her most recent research focuses on occupational therapy education and the integration of service learning to support the development of student self-efficacy.

Christine Wietlisbach OTD, CHT, MPA, has over 25 years of experience in occupational therapy practice, education and regulation. She maintains a full-time practice in occupational therapy at Eisenhower Medical Center in Rancho Mirage, California, and is an adjunct faculty member in the Master of Occupational Therapy program at Loma Linda University. Dr. Wietlisbach earned her bachelor's degrees in psychology and occupational therapy from Washington University in St. Louis, and her doctorate in occupational therapy with a dual emphasis in hand therapy and administration/practice management from Rocky Mountain University in Provo, Utah. She also holds a Master of Public Administration degree from California State University, San Bernardino. Dr. Wietlisbach is past president of the Occupational Therapy Association of California, lectures nationally, and has authored occupational therapy textbook chapters in the areas of industrial rehabilitation/ergonomics, physical agent modalities, and wound care for the upper extremity. Her awards include the American Occupational Therapy Association's Lindy Boggs Political Action Award, and the Occupational Therapy Association of California's Award of Excellence, Practice Award, and Political Action Award.

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

The Board had to cancel the first day of a two-day meeting scheduled for January 23-24, 2025, due to lack of quorum. At that time, the Board had only five of its seven positions filled and the inability of more than one of its sitting members to attend would lead to lack of quorum. Former Members Do and Cabrera notified the Board President that they would be unable to attend the scheduled January 23rd meeting shortly before the meeting date. Former member Cabrera would not be able to attend on the 24th either. For this reason, the Board had to cancel the January 23rd meeting date, but was able to hold a meeting on January 24th, as planned.

This meeting had been scheduled to discuss and draft the Board's 2025 – 2030 Strategic Plan. The meeting had been coordinated with DCA's SOLID Team to help facilitate the planning session. Cancellation of the first day impacted Board operations by cutting short the time the Board had to develop its strategic plan and diverted resources from the SOLID Team unnecessarily.

With the expiration of both Former Member Pavlovich's and Former Member Miller's terms, followed by the resignation of Former Member Do, the Board required the attendance of all members to meet quorum. However, careful planning and commitment from the remaining members allowed the Board to hold all other planned meetings without quorum issues. The recent appointments of Member Santos and Member Greco made quorum easier to achieve. More recently, the Governor's Office appointed Members Arabit, Boone Hoerl, and Schwier which has resulted in a full Board, once again. The Board does not anticipate any issues meeting quorum now that all positions are filled.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:
- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

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

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

- All legislation sponsored by the board and affecting the board since the last sunset review.

2021

AB 107 (Chapter 693, Statutes of 2021)- This bill expands the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department. The bill requires a board to issue a temporary license within 30 days of receiving the required documentation, provided the results of a criminal background check do not show grounds for denial.

AB 1291 (Chapter 63, Statutes of 2021)- This bill requires a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body. The bill additionally makes technical, nonsubstantive changes.

SB 607 (Chapter 367, Statutes of 2021)- This bill, on and after July 1, 2022, requires a board to waive the licensure application fee and the initial or original license fee for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders

2022

AB 2671 (Chapter 290, Statutes of 2022)- This bill increases the limit on the total number of occupational therapy assistants to 3 times the number of occupational therapists regularly employed by a facility at any one time. This bill extends the operation of the board to January 1, 2027, and makes clarifying organizational changes to the Occupational Therapy Act.

SB 731 (Chapter 814, Statutes of 2022)- This bill deals with the sealing of arrest records, which affects what can be seen on background reports and prohibits denial of a credential dependent upon the details outlined in varied conviction categories.

SB 1237 (Chapter 386, Statutes of 2022)- Existing law authorizes a licensee whose license expired while on active duty as a member of the California National Guard or United States Armed Forces to reinstate without penalty. Existing law also requires the Board to waive the renewal fees and other specified requirements of any licensee on similar active duty. This bill defines the phrase "called to active duty" to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified.

2023

AB 883 (Chapter 348, Statutes of 2023)- This bill requires the board to expedite, and authorizes the board to assist in, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active-duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program.

AB 1707 (Chapter 258, Statutes of 2023)- This bill prohibits a healing arts board under the Department of Consumer Affairs from denying an application for a license or imposing discipline upon a licensee or health care practitioner on the basis of a civil judgment, criminal conviction, or disciplinary action in another state that is based on the application of another state's law that interferes with a person's right to receive sensitive services, as defined, that would be lawful in this state, regardless of the patient's location.

SB 143 (Chapter 196, Statutes of 2023)- This bill requires a registering authority, defined as specified boards, bureaus, and commissions and the Department of Real Estate, to register a servicemember or a spouse of a servicemember who relocated to this state because of military orders for military service within this state and meets specified requirements. This bill reinstated Covid public meeting requirements through 12/31/2023 (e.g. remote address not on agenda).

SB 372 (Chapter 225, Statutes of 2023)- This bill requires the board to remove licensees' previous names and genders from website under specified circumstances.

SB 544 (Chapter 216, Statutes of 2023)- This bill changes teleconference requirements for board meetings, including one physical meeting location that is audible and a staff member present at that location.

2024

AB 1991 (Chapter 369, Statutes of 2024)- This bill requires a healing arts board, as defined, to require a licensee or registrant who electronically renews their license or registration to provide to that board the licensee's or registrant's individual National Provider Identifier, if they have one. The bill provides that a violation of the bill's requirements is not a crime.

2025

SB 470 (Chapter 222, Statutes of 2025)- The bill authorizes an additional, alternative set of provisions under which a state body may hold a meeting by teleconference. At least one member of the state body is physically present at each teleconference location, a majority of the members of the state body are physically present at the same teleconference location, and that members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform. This bill authorizes, under specified circumstances, a member of the state body to participate pursuant to these provisions from a remote location, which would not be required to be accessible to the public and which the act prohibits the notice and agenda from disclosing.

AB 489 (Chapter 615, Statutes of 2025)- This bill makes provisions of law that prohibit the use of specified terms, letters, or phrases to falsely indicate or imply possession of a license or certificate to practice a health care profession, enforceable against an entity who develops or deploys artificial intelligence (AI) or generative artificial intelligence (GenAI) technology.

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

Filing of Addresses, Advanced Practice, Continuing Competency

Amend Sections: 4102, 4150, 4151, 4152, 4153, 4154, 4161, 4162

This regulatory change was approved by the Board in August 2023 and is currently in its 4th round of revision and review from legal and budget.

Enforcement Updates

Amend Sections: 4101, 4141, 4146, 4146.5, 4147, 4147.5, 4149.1

Add Sections: 4146.1, 4146.7, 4146.8, 4147.7, 4149.6, 4149.7

This regulatory change was approved by the Board in August 2023 and has run into issues with approval from legal. Board staff are currently focusing on making smaller packages to submit for approval so that more straightforward changes can be implemented while more complex ones are allowed time to be developed further.

Supervision Parameters

Amend Sections: 4180, 4181

This regulatory change was approved by the Board in November 2024 and has not yet had a package submitted.

Application and Renewal Attestation

Add Sections: 4110.1, 4122

This regulatory change was approved by the Board in August 2022 and has not yet had a package submitted.

Fee Increase

Amend Section: 4130

This regulatory change was approved by the Board in June 2025 and is currently awaiting approval from the Director of DCA.

Cost Recovery

Amend Section: 4147

This regulatory package was approved by the Board in November 2025 and is awaiting approval from the Director of DCA.

4. Describe any major studies conducted by the board.

The Board has not conducted any major studies since the last sunset review.

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

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

- Does the board's membership include voting privileges?

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

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

The Board does not currently participate in any national committees, workshops, work groups, task forces, etc.

- How many meetings did board representative(s) attend? When and where?

The Board has not attended any CLEAR meetings since the last Sunset Review.

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The Board uses the same national examinations used by all other state occupational therapy licensing boards and agencies: the National Board for Certification in Occupational Therapy's (NBCOT) Occupational Therapist Registered (OTR) and Certified Occupational Therapy Assistant (COTA) exams.

NBCOT conducts an occupational analysis (referred to by NBCOT as a practice analysis) for each exam every five years, with the most recent analysis for each exam having been conducted in 2022. While the Board is not directly involved in the development of the exams, Board members are in regular communication with NBCOT regarding the analysis as it relates to the development of exam content. Furthermore, California-licensed occupational therapy practitioners routinely serve on a panel of over 50 licensed professionals and faculty members as subject matter experts responsible for exam question development, review, validation, and revision.

Administration and scoring of the exams is done by NBCOT. Scores are reported to candidates as well as state regulatory agencies and prospective employers, should the candidate request this service.

SECTION 2

FISCAL AND STAFF



Section 2 – Fiscal and Staff

Fiscal Issues

6. Is the board's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

The Board's fund is subject to standard appropriation. Business and Professions Code Section 2570.22 states:

All fees collected by the board shall be paid into the State Treasury and shall be credited to the Occupational Therapy Fund which is hereby created. The money in the fund shall be available, upon appropriation by the Legislature, for expenditure by the board to defray its expenses and to otherwise administer this chapter.

7. Using *Table 2. Fund Condition*, describe the board's current reserve level, spending, and if a statutory reserve level exists.

The Board completed fiscal year 2024/25 with 4.9 months in reserve. Although revenues slightly exceeded expenditures in 2022/23 and 2023/24, this was not the case in 2021/22 and 2024/25. Furthermore, the proportion of expenditures to total resources has consistently grown each year, which has led to a decline in reserves, year after year. This trend is projected to continue, unless revenues can be increased.

Table 2. Fund Condition as of 9/9/2025					(list dollars in thousands)			
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	FY** 2025/26	FY** 2026/27	FY** 2027/28	FY** 2028/29
Beginning Balance ¹	\$1,604	\$1,438	\$1,489	\$1,516	\$1,433	\$1,164	\$793	\$314
Revenues and Transfers	\$2,726*	\$3,048	\$3,173	\$3,320	\$3,259	\$3,234	\$3,227	\$3,222
Total Resources	\$4,330	\$4,468	\$4,662	\$4,836	\$4,692	\$4,398	\$4,020	\$3,536
Budget Authority	\$3,392	\$3,427	\$3,351	\$3,312	\$3,285	\$3,384	\$3,485	\$3,590
Expenditures ²	\$2,892	\$2,990	\$3,157	\$3,403	\$3,528	\$3,605	\$3,706	\$3,811
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$1,438	\$1,496	\$1,505	\$1,433	\$1,164	\$793	\$314	(\$274)
Months in Reserve	5.8	5.7	5.3	4.9	3.9	2.6	1.0	-0.8

¹ Actuals include prior year adjustments

² Expenditures include reimbursements and direct draws to the fund

* Includes EO transfer to GF (AB 84) \$140,000

** Estimate

8. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The current fund condition projects insolvency in FY 2028/29. The Board is currently working on a regulatory package to increase renewal fees for OT and OTA licenses to the statutory cap of \$300 biennially and expects the fee increase to take effect July 1, 2026. Delinquency fees and initial license fees are 50% of and prorated on the renewal fees, respectively. So, the increase to renewal fees would increase those fees as well.

Workload and revenue projections show that this fee increase will postpone insolvency but will not be sufficient to balance the fund and months in reserve is projected to resume a downward trend in FY 2029/30. For this reason, the Board is seeking an increase to the statutory maximum allowed for renewal fees, application fees, and other various service fees that are already at the maximum amount allowed in statute.

Increasing renewal fees to the current statutory limit and increasing application and service fees to a higher limit, should a statutory change allow, would serve to balance the Board's fund. An increase to the statutory limit on renewal fees is sought in an effort to provide flexibility for the Board, should any unforeseen expenses require an additional increase.

9. Using Table 2, **Fund Condition**, describe year over year expenditure fluctuations and the cause for the fluctuations.

On average, expenditures have grown by 5.6% each fiscal year. The most significant increase was from 2023/24 to 2024/25 in the amount of \$246,000. This jump was due to increased enforcement costs for AG and OAH expenses and a lump sum payment resulting from the retirement of the Board's previous executive officer. Overall, expenditures increase each year largely due to the increased enforcement costs associated with a growing licensee population and from filling previously vacant staff positions.

10. Using Table 3, **Expenditures by Program Component**, describe the amounts and percentages of expenditures by program component, including the cause of fluctuations aside from increasing personnel costs. Provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3.a Expenditures by Program Component								(list dollars in thousands)
	FY 2021/22		FY 2022/23		FY 2023/24		FY 2024/25	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$678	\$316	\$737	\$276	\$750	\$350	\$952	\$471
Examination	\$0	\$3	\$0	\$3	\$0	\$2	\$0	\$2
Licensing	\$284	\$60	\$309	\$58	\$226	\$41	\$256	\$37
Administration *	\$437	\$68	\$469	\$67	\$744	\$112	\$727	\$87
DCA Pro Rata	-	\$849	-	\$789	-	\$650	-	\$657
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	\$1,399	\$1,296	\$1,515	\$1,193	\$1,720	\$1,155	\$1,935	\$1,254
* Administration includes costs for executive staff, board, administrative support, and fiscal services.								

A separate table is provided below for a breakdown by percentage.

Table 3.b Expenditures by Program Component (Percentages)								(list dollars in thousands)
	FY 2021/22		FY 2022/23		FY 2023/24		FY 2024/25	
	Personnel and OE&E Amount	%	Personnel and OE&E Amount	%	Personnel and OE&E Amount	%	Personnel and OE&E Amount	%
Enforcement	\$994	36.9%	\$1,013	37.4%	\$1,100	38.3%	\$1,423	44.6%
Examination	\$3	0.1%	\$3	0.1%	\$2	0.1%	\$2	0.1%
Licensing	\$344	12.8%	\$367	13.6%	\$267	9.3%	\$293	9.2%
Administration *	\$505	18.7%	\$536	19.8%	\$856	29.8%	\$814	25.5%
DCA Pro Rata	\$849	31.5%	\$789	29.1%	\$650	22.6%	\$657	20.6%
TOTALS	\$2,695		\$2,708		\$2,875		\$3,189	
* Administration includes costs for executive staff, board, administrative support, and fiscal services.								

As shown in Table 3.b, over the last four fiscal years, Enforcement and Administration expenditures have seen the most significant growth as a proportion of overall expenditures, while DCA Pro Rata expenditures have decreased (alongside Licensing expenditures to a lesser extent).

The most impactful, non-personnel related increases to Enforcement expenditures occurred between FY 2023/24 and 2024/25, during which time:

- AG expenditures increased by \$64,000 from \$192,00 to \$256,000,
- OAH expenditures increased by \$47,000 from \$23,000 to \$70,000, and
- Court Reporter expenditures increased by \$6,000 from \$2,000 to \$8,000.

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

The Board has paid a total of \$252,000 into BreEZe over the last four fiscal years and is considered to be in "maintenance mode." Costs may fluctuate if the Board decides that changes or modifications are needed for its particular BreEZe implementation to better serve the needs of the Board and the licensee population.

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

Since 2007, renewals have been biennial. Upon approval for licensure, applicants pay an initial license fee that is prorated based on the time remaining from when they pay to when they will complete their first renewal. Expiration dates are assigned according to the licensee's birth month and year.

A history of the Board's fees over the last 10 years, along with the statutory limit for each fee, statutory authority, and regulatory authority can be seen in the following table:

Table 4.a History of Fee Changes

Fee	Fees Prior to 7/1/2017	Fees Effective 7/1/2017	Fees Effective 1/1/2021	Statutory Limit	BPC	CCR
Biennial Renewal OT	\$220	\$220	\$270	\$300	2570.16	4130(e)
Biennial Renewal OTA	\$180	\$180	\$210	\$300	2570.16	4130(f)
Inactive Renewal OT	\$220	\$220	\$270	\$300	2570.16, 701, 703	4127(d)
Inactive Renewal OTA	\$180	\$180	\$210	\$300	2570.16, 701, 703	4127(d)
Delinquent Renewal OT	\$110	\$110	\$135	\$135/\$150*	2570.16(b), 163.5	4130(g)
Delinquent Renewal OTA	\$90	\$90	\$105	\$105/\$150*	2570.16(b), 163.5	4130(g)
Restore License to Active OT	\$220	\$220	\$270	\$300	2570.16	4128(f)(1)
Restore License to Active OTA	\$180	\$180	\$210	\$300	2570.16	4128(f)(1)
Initial License OT	varies	varies	varies	\$150/yr	2570.16	4130(b)
Initial License OTA	varies	varies	varies	\$150/yr	2570.16	4130(c)
Cite & Fine Collection	varies	varies	varies	\$5,000	125.9(b)(4)	4141(a)
Limited Permit OT	\$75	\$100	\$100	-	2570.16(c)	4130(d)
Limited Permit OTA	\$75	\$100	\$100	-	2570.16(c)	4130(d)
Duplicate License OT	\$15	\$25	\$25	\$25	122	4130(j)
Duplicate License OTA	\$15	\$25	\$25	\$25	122	4130(j)
Retired Status OT	\$25	\$25	\$25	\$25	2570.17	4130(i)
Retired Status OTA	\$25	\$25	\$25	\$25	2570.17	4130(i)
Application Fee OT	\$50	\$50	\$50	\$50	2570.16(a)	4130(a)
Application Fee OTA	\$50	\$50	\$50	\$50	2570.16(a)	4130(a)

While the above table shows the last ten years of fees and the current statutory limit, it should be noted that the Board's statutory limit on renewal fees has been the same since the inception of the Board in 2001.

Table 4.b Fee Schedule and Revenue							(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2021/22 Revenue	FY 2022/23 Revenue	FY 2023/24 Revenue	FY 2024/25 Revenue	% of Total Revenue
Biennial Renewal OT	\$270	\$300	\$1,875	\$1,970	\$2,023	\$2,165	64.7%
Biennial Renewal OTA	\$210	\$300	\$350	\$372	\$398	\$416	12.4%
Inactive Renewal OT	\$270	\$300	\$57	\$58	\$58	\$63	1.9%
Inactive Renewal OTA	\$210	\$300	\$12	\$12	\$14	\$11	0.4%
Delinquent Renewal OT	\$135	\$135/\$150	\$35	\$32	\$36	\$41	1.2%
Delinquent Renewal OTA	\$105	\$105/\$150	\$8	\$9	\$12	\$11	0.3%
Restore License To Active OT	\$270	\$300	\$3	\$3	\$3	\$3	0.1%
Restore License To Active OTA	\$210	\$300	\$1	\$0	\$1	\$0	0.0%
Initial License OT	Varies	\$150/yr	\$265	\$278	\$290	\$263	8.8%
Initial License OTA	Varies	\$150/yr	\$61	\$71	\$62	\$50	2.0%
Cite & Fine Collection	Varies	\$5,000	\$46	\$44	\$42	\$76	1.7%
Limited Permit OT	\$100	-	\$6	\$6	\$7	\$4	0.2%
Limited Permit OTA	\$100	-	\$2	\$2	\$2	\$1	0.1%
Duplicate License OT	\$25	\$25	\$3	\$7	\$10	\$5	0.2%
Duplicate License OTA	\$25	\$25	\$1	\$2	\$2	\$1	0.0%
Retired Status OT	\$25	\$25	\$3	\$4	\$3	\$3	0.1%
Retired Status OTA	\$25	\$25	\$1	\$1	\$1	\$1	0.0%
Application Fee OT	\$50	\$50	\$75	\$75	\$80	\$72	2.4%
Application Fee OTA	\$50	\$50	\$23	\$25	\$22	\$18	0.7%
Misc Revenue		-	\$39	\$77	\$107	\$116	2.7%
Total Revenue			\$2,866	\$3,048	\$3,173	\$3,320	\$12,407

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

The Board has not submitted any Budget Change Proposals in the last four fiscal years.

Staffing Issues

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

The Board currently has 2 vacant positions of its 17.7 authorized positions. A thorough history of the Board's staffing and recruitment efforts can be read in Section 9 – Prior Issues, Issue #2.

A recruitment package is currently in process to reclass and fill one of the 2 vacant positions. The reclass is needed, because the Licensing and Administration Unit does not have any fulltime staff serving at the AGPA level. Succession planning efforts necessitate that some of the more complex and analytical duties are able to be assigned to a member of the Licensing and Admin. Unit, to facilitate transfer of knowledge.

15. Describe the board's staff development efforts and total spent annually on staff development. (cf., Section 11, Attachment C).

Management encourages staff to sign up and take training provided by DCA's SOLID unit and the new on-line Learning Management System, which provides videos and self-paced courses.

Management supports upward mobility, skills enhancement, knowledge increase and cross-training. Occasionally management has directed staff to take specific courses to improve performance or prepare the employee for new assignments.

To support staff during teleworking, staff were instructed to take *Introduction to MS Teams*, *Managing Time and Workload*, *Best Practices for Working from Home*.

To support the use of WebEx for Board and Committee meetings, several staff completed *How to Set-up and Host a WebEx Event* and *How to Moderate an Event in WebEx*.

Management also shares email responses to difficult or sensitive questions posed by licensees with staff as well as any changes or modification to procedures and business processes. Staff are encouraged to ask questions and provide suggestions on process improvements.

SECTION 3

LICENSING PROGRAM



Section 3 – Licensing Program

Table 6. Licensee Population

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

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

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

CCR section 4112 requires that the Board provide written notice to an applicant whether their application is complete or deficient within 30 days of the Board's receipt of the application. Internal statistics for the last four fiscal years reflect that the Board is meeting the established expectation.

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

The Board is meeting its regulatory goal in processing applications and notifying applicants within 30 days of the status of their application, so pending applications have not grown at a rate that is not manageable. On occasion, when the Board has been in jeopardy of exceeding the 30-day notification period, it has been able to redirect staff resources. The Board will continue to monitor the processing times and take appropriate steps to seek additional staff through the BCP process and/or consider legislative or regulatory change if it is not able to meet the standards established in CCR section 4112.

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

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

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

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

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

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

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

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

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

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

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

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

- Does the board fingerprint all applicants?

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

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

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

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

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

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

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

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

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

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

- Does the board require primary source documentation?

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

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

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

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

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

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

BPC Section 2570.6

An individual applying for a license as an occupational therapist or as an occupational therapy assistant shall submit a completed application and demonstrate to the Board that he or she meets all of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Board has waived fees or requirements for 6 OTs and 1 OTA pursuant to BPC § 114.3. The impact to board revenues has been minimal and absorbable.

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

The Board has expedited 48 OT and 22 OTA applications pursuant to BPC §115.5.

Examinations

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

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

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

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

Table 8(b). National Examination.			
License Type		Occupational Therapist	Occupational Therapy Assistant
Exam Title		Occupational Therapist Registered	Certified Occupational Therapy Assistant
FY 2021/22	Number of Candidates	1314	469
	Overall Pass %	76.03%	67.16%
	Overall Fail %	23.97%	32.84%
FY 2022/23	Number of Candidates	1375	520
	Overall Pass %	74.55%	71.92%
	Overall Fail %	25.45%	28.08%
FY 2023/24	Number of Candidates	1585	520
	Overall Pass %	73.06%	67.5%
	Overall Fail %	26.94%	32.5%
FY 2024/25	Number of Candidates	1518	449
	Overall Pass %	62.91%	60.58%
	Overall Fail %	37.09%	39.42%
Date of Last OA		2022	2022
Name of OA Developer		NBCOT	NBCOT
Target OA Date		2027	2027

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

The NBCOT uses computer-based testing to administer the examinations required to demonstrate competence as an occupational therapist or an occupational therapy assistant. The examinations are administered at Pearson Professional Assessment Centers.

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

All candidates are required to answer the character questions on the exam application and for those who respond affirmatively, comply with related documentation requirements. Candidates requesting special testing accommodations must indicate this request on the application and comply with associated documentation requirements.

Reporting services are available to all candidates as part of the exam application process including: 1) Confirmation of Examination Registration and Eligibility to Examine Notice; and 2) Official Score Transfer. After the candidate has submitted an exam application and fee to NBCOT, they must also submit an Official Final Transcript or an Academic Credential Verification Form (ACVF). The ACVF may be submitted if the official transcript is not final with the understanding that the final transcript must be submitted when available from the college or university's Registrars' Office.

Once an exam application has been approved by NBCOT, the candidate is provided with an Authorization to Test (ATT) letter. The ATT letter authorizes the candidate to take the examination and is active for 90 days. Upon receipt of an ATT letter, a candidate can then proceed with contacting Pearson to schedule a date, time, and location to test.

The official score report is provided directly to the Board via an on-line secure portal, once the candidate makes the request to NBCOT.

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

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

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

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

School Approvals

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

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

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

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

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

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

Continuing Education/Competency Requirements

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

Each licensee renewing a license under Section 2570.10 of the Code shall submit evidence of meeting continuing competency requirements by having completed 24 professional development units (PDUs) during the preceding renewal period, or in the case of a license delinquently renewed, within the two years immediately preceding the renewal, acquired through participation in professional development activities. One hour of participation in a professional development activity qualifies for one PDU; one academic credit equals 10 PDUs; one Continuing Education Unit (CEU) equals 10 PDUs.

Topics and subject matter shall be pertinent to the practice of occupational therapy and course material must have a relevance or direct application to a consumer of occupational therapy services. Professional development activities acceptable to the board include programs or activities sponsored by the American Occupational Therapy Association or the Occupational Therapy Association of California; post-professional coursework completed through any approved or accredited educational institution; or otherwise meets all of the following criteria:

- (1) The program or activity contributes directly to professional knowledge, skill, and ability; and
- (2) The program or activity must be objectively measurable in terms of the hours involved.

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

Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
All License Types	Biennial	24	10%

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

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

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

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

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

- What are consequences for failing a CE audit?

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

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

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

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

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

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

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

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

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

The Board does not approve CE providers or courses.

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

Not applicable; no data to report.

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

The Board does not audit continuing education providers.

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

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

SECTION 4

ENFORCEMENT PROGRAM



Section 4

Enforcement Program

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

The Board's Enforcement Unit performance targets are as follows:

Average Time at Intake (Refer for Investigation) – 10 days.

All complaints and convictions received by the Board are referred for investigation. That is, none are closed at intake. For this reason, *Time at Intake* and *Time to Refer for Investigation* are synonymous for this Board, as seen in Table 9.

The Board is meeting this expectation. The average time in fiscal years 21/22, 22/23, and 23/24 is one day. Average time for fiscal year 24/25 is two days, but the Board anticipates that this will return to one day in future fiscal years.

Average Days for Investigation Closures – 270 days

The Board's target for investigation closure when not referring for formal discipline is 270 days.

The Board has consistently met this target over the last four fiscal years and reduced the average time each year. Averages for each year are as follows:

FY 2021/22 – 265 Days
FY 2022/23 – 218 Days
FY 2023/24 – 199 Days
FY 2024/25 – 158 Days

Average Days for Investigation when Referring for Prosecution – 540 days

The Board's target for completing investigations when referring for formal discipline is 540 days.

With the exception of FY 2021/22, the Board has met this target. The averages for each fiscal year are as follows:

FY 2021/22 – 586 Days
FY 2022/23 – 454 Days
FY 2023/24 – 160 Days
FY 2024/25 – 434 Days

The high average in FY 2021/22 is due to one outlying case. This case was regarding a complaint of patient harm and an OTA acting autonomously. The investigation was referred to DOI and, following that, two expert consultants, before being referred to the AG. Since then, the Board has made and continues to make efforts to utilize experts more efficiently so as not to delay case progression. Efforts include working with professional associations to recruit and contract with more experts across a wider range of practice areas, which allows staff to refer cases for review with fewer delays.

Average Days for Probation Intake – 10 days

This measures the average time from when a licensee is placed on probation to when the Probation Monitor contacts the probationer to discuss the expectations and conditions of their probation. The Board consistently meets this goal.

Average Days for Probation Violation Response – 10 days

This measures the average time from when a violation of probation reported or discovered to when the Probation Monitor responds. The Board consistently meets this goal.

32. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Complaints Received

Over the last four fiscal years, the number of complaints/convictions received has nearly doubled from 513 to 1,012. This increase can be mainly attributed to an increase in complaint volume, as convictions have remained fairly constant. Furthermore, this increase is due in large part to the efforts of staff, as indicated by the "Source of Complaint" section of Table 9 which shows that the main increase in complaint volume is from internal sources.

As mentioned above and shown in Table 9, average time at intake went up to two days in FY 2024/25. The Board aims to address this by using the Quality Business Interactive Reporting Tool (QBIRT) to implement an automated, daily report which will notify the Enforcement Manager of any complaints that have been at intake for more than one day.

Investigations

Investigations opened and investigations closed have also doubled over the last four fiscal years. Since the Board refers all complaints for investigation, this is consistent with the doubling of complaint volume. Despite this increase in volume, the Board has consistently decreased the average time for investigation closure or referral for prosecution over each of the last 4 fiscal years, from 271 to 164 days. The number of pending investigations peaked in FY 2022/23 at 459. Since then, however, this number has decreased each year.

Citation and Fine

The number of citations issued was at its lowest at 97 in FY 2022/23. However, the number has doubled overall from FY 2021/22 to 2024/25. This is consistent with the doubling of complaint received and investigation closed. In addition, average days to issue a citation has been reduced by more than 50% of what it was in FY 2021/22. In keeping with this trend, the amount of fines assessed, reduced/dismissed/withdrawn, and collected have all seen similar increases.

Discipline

The number of cases referred to the Office of the Attorney General increased from eleven to twenty-five, with a peak of 37 in FY 2023/24. The number of accusations filed has seen a similar increase from nine to twenty-five and the time to file after referral has remained around 130 days, with exception of a peak of 305 days in FY 2021/22.

The number of disciplinary outcomes/actions has been consistent with the increase in accusations filed. Whether measured from receipt of complaint, investigation closure, or filing of an accusation, time to impose formal discipline peaked in FY 2022/23. With the exception of that year, times have remained at acceptable levels, on average: 243 days from filing, 387 days from investigation closure, and 682 days from receipt of complaint.

Enforcement Aging

The average time to impose formal discipline in Table 9 and Attorney General case aging in Table 10 show that a small number of outlying cases have led to higher times in fiscal years 2021/22 and 2022/23.

One case in 2021/22 took over 4 years to impose discipline. A review of the case history shows that it took 603 days to file an accusation from referral to the AG and 277 days from then to hold a hearing and receive a proposed decision. The Board voted not to adopt the proposed decision then, and again after a second hearing, before the respondent was placed on probation 739 days from the original proposed decision.

Another case that year took over 3 years to impose discipline. A sworn investigation took 467 days to complete. The case was referred to the AG 183 days later, following expert review of the investigators report. It took 237 days for an accusation to be filed and a settlement was adopted by the Board 191 days later.

In 2022/23 there was one case which took over 4 years to impose discipline. The complaint was related to a case of fraud at the federal level. It took 542 days to complete the investigation and refer to the AG. The majority of time spent on this case was waiting for a conviction in federal court which led to 1,578 days between referral and accusation. Discipline was rendered 281 days following the accusation.

While some of the factors leading to higher case aging are outside of the Board's control, it is taking steps to reduce these times. Most notably, the duties of Discipline Coordinator and Probation Monitor have been assigned to separate position, which should allow for a more efficient and focused execution of both duties.

Table 9. Enforcement Statistics				
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
COMPLAINTS				
Intake				
Received	387	561	685	875
Closed without Referral for Investigation	0	0	0	0
Referred to INV	386	561	685	873
Pending (close of FY)	1	0	1	2
Conviction / Arrest				
CONV Received	126	121	116	137
CONV Closed Without Referral for Investigation	0	0	0	0
CONV Referred to INV	126	121	116	137
CONV Pending (close of FY)	0	0	0	0

Source of Complaint ⁶				
Public	44	80	52	84
Licensee/Professional Groups	9	1	6	9
Governmental Agencies	107	118	110	112
Internal	330	462	622	781
Other	6	3	3	4
Anonymous	17	18	8	22
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	1	1	1	2
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	N/A	N/A	N/A	N/A
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	1	1	1	2
INVESTIGATION				
Desk Investigations				
Opened	513	682	801	1010
Closed	503	561	845	1033
Average days to close (from assignment to investigation closure)	271	220	201	164
Pending (close of FY)	343	459	414	381
Non-Sworn Investigation				
Opened	0	0	0	0
Closed	0	0	0	0
Average days to close (from assignment to investigation closure)	0	0	0	0
Pending (close of FY)	0	0	0	0
Sworn Investigation				
Opened	3	8	4	12
Closed	0	6	5	4
Average days to close (from assignment to investigation closure)	N/A	340	174	388
Pending (close of FY)	4	6	5	13
All investigations				
Opened	513	682	801	1010
Closed	503	561	845	1033
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	271	220	201	164
Average days for investigation closures (from start investigation to investigation closure)	265	218	199	158
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	586	454	160	434
Average days from receipt of complaint to investigation closure	272	221	201	165
Pending (close of FY)	343	459	414	381
CITATION AND FINE				
Citations Issued	205	97	228	419

⁶ Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	428	364	217	179
Amount of Fines Assessed	\$72,285	\$50,455	\$67,040	\$107,878
Amount of Fines Reduced, Withdrawn, Dismissed	\$6,835	\$5,185	\$7,405	\$13,870
Amount Collected	\$50,125	\$45,041	\$47,694	\$82,472
CRIMINAL ACTION				
Referred for Criminal Prosecution	0	0	0	0
ACCUSATION				
Accusations Filed	9	10	25	25
Accusations Declined	0	0	0	0
Accusations Withdrawn	0	0	1	3
Accusations Dismissed	0	1	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed) (AG01 through AC01)	305	130	126	134
INTERIM ACTION				
ISO & TRO Issued	0	0	0	0
PC 23 Orders Issued	0	0	0	0
Other Suspension/Restriction Orders Issued	0	0	0	0
Referred for Diversion	0	0	0	0
Petition to Compel Examination Ordered	0	0	0	0
DISCIPLINE				
AG Cases Initiated (cases referred to the AG in that year)	11	16	37	25
AG Cases Pending Pre-Accusation (close of FY)	3	4	9	7
AG Cases Pending Post-Accusation (close of FY)	6	9	22	24
DISCIPLINARY OUTCOMES				
Revocation	5	4	4	9
Surrender	1	2	2	1
Suspension only	0	0	0	0
Probation with Suspension	0	0	0	0
Probation only	9	1	5	9
Public Reprimand / Public Reproval / Public Letter of Reprimand	0	0	0	1
Other	0	0	0	0
DISCIPLINARY ACTIONS				
Proposed Decision	4	1	2	3
Default Decision	5	3	4	8
Stipulations	6	3	5	8
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	270	300	193	266
Average Days from Closure of Investigation to Imposing Formal Discipline	447	636	318	395
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	644	912	766	636
PROBATION				
Probations Completed	2	7	4	3
Probationers Pending (close of FY)	27	21	22	30
Probationers Tolerated *				
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	0	2	1	1

SUBSEQUENT DISCIPLINE⁷				
Probations Revoked	0	0	0	2
Probationers License Surrendered	0	2	0	0
Additional Probation Only	0	1	0	0
Suspension Only Added	2	0	0	0
Other Conditions Added Only	0	0	0	0
Other Probation Outcome	0	0	0	0
SUBSTANCE ABUSING LICENSEES				
Probationers Subject to Drug Testing	9	6	4	6
Drug Tests Ordered	349	213	100	176
Positive Drug Tests	21	2	1	15
PETITIONS				
Petition for Termination or Modification Granted	0	1	0	0
Petition for Termination or Modification Denied	0	0	0	0
Petition for Reinstatement Granted	0	1	1	1
Petition for Reinstatement Denied	3	0	0	0

Table 10. Enforcement Aging						
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	Cases Closed	Average %
Investigations (Average %)						
Closed Within:						
90 Days	250	175	324	564	1313	45%
91 - 180 Days	43	136	165	142	486	17%
181 - 1 Year	56	166	222	179	623	21%
1 - 2 Years	102	58	110	121	391	13%
2 - 3 Years	40	13	15	20	88	3%
Over 3 Years	12	13	9	7	41	1%
Total Investigation Cases Closed	503	561	845	1033	2942	100%
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year	1	2	15	15	33	50%
1 - 2 Years	10	1	1	12	24	36%
2 - 3 Years	2	3	1	0	6	9%
3 - 4 Years	1	0	0	0	1	2%
Over 4 Years	1	1	0	0	2	3%
Total Attorney General Cases Closed	15	7	17	27	66	100%

⁷ Do not include these numbers in the Disciplinary Outcomes section above.

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

Overall, the Board has seen a slight increase in disciplinary action over the last four fiscal years. AG cases initiated have more than doubled, and disciplinary outcomes/actions have increased in turn. However, year-to-year fluctuations and a low number of disciplinary actions compared to total investigations make it difficult to identify a trend in the data. On average, the Board has opened AG cases at a rate of 22 per year and ordered discipline 13 times per year.

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

The Department's *Complaint Prioritization Guidelines* were provided to the Board for consideration at their December 3, 2009, meeting. While the Board agreed with the majority of the priority levels assigned to the list of complaint categories, several of the complaint categories were elevated in priority level and two were lowered. The Board's *Complaint Prioritization Guidelines* are included Section 11 as Attachment E.

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

Once allegations of a violation have been substantiated through an investigation, and if the violation is egregious enough to warrant pursuit of revocation, the formal disciplinary process begins. Enforcement staff transmit the case to the Attorney General's Office (AGO) and ask that the assigned Deputy Attorney General (DAG) review the case and prepare an appropriate pleading, including an Accusation, Statement of Issues, Petition to Revoke Probation, etc., based on records contained in the transmittal. ("Accusation" will be used for all future references to any legal pleading.)

Once a DAG is assigned, the Accusation is drafted and submitted to Board staff to review. Once approved, the Accusation is signed by the Executive Officer (EO) and served on the respondent at their address of record. On occasion the DAG may recommend that the Board withdraw the case or suggest alternative action.

When served, the respondent is advised they have 15 days to file a Notice of Defense to request a hearing to contest the charges. The respondent is also provided information on how to obtain copies of materials that will be used in the prosecution at the hearing and is advised to contact the DAG to inquire about the possibility of entering into a settlement if they wish to avoid a hearing.

If a Notice of Defense is not received within 15 days, the Board is authorized to proceed with a Default Decision. Staff and the DAG normally allow 20+ days to elapse before initiating action to draft a Default Decision. When the Default Decision is received, staff will make copies and distribute it to Board Members for a vote.

If a Notice of Defense is received, the DAG will coordinate with the respondent and his/her legal counsel to arrange a hearing date. Until the hearing takes place, the possibility remains that the parties may agree to a Stipulated Settlement.

Settlements are negotiated by the Enforcement Manager in consultation with the EO. If a Stipulated Settlement is reached, the Stipulation is forwarded to the Board staff to distribute for a vote.

If the case goes to hearing, an Administrative Law Judge (ALJ) will preside over the hearing and will issue a Proposed Decision within 30 days after the hearing. Once the Proposed Decision is received from the Office of Administrative Hearings, the proposed decision will be copied and distributed to the Board Members for a vote.

If the Board votes to adopt a Default Decision, the decision is served on the respondent. The respondent may submit a petition to vacate within seven days, which the Board may or may not grant, in its discretion. A rejected Default Decision will result in further attempts to schedule a hearing with the respondent.

In the case of a Stipulated Settlement, the Board may vote to Adopt, Non-Adopt, or Hold for Discussion. Adopted settlements become effective within 30 days of the Board's decision, which is served on the respondent. If the Board does not adopt a settlement, the respondent is notified and resumes the formal disciplinary process. The matter will be scheduled for hearing and a new settlement may be negotiated.

In the case of a Proposed Decision, the Board may vote to Adopt, Adopt with minor or technical edits, Adopt with decreased penalty, Non-Adopt, or Hold for Discussion. Adopted settlements become effective within 30 days of the Board's decision, which is served on the respondent. If the Board is adopting with decreased penalties or technical edits, legal counsel is directed to prepare a decision. If the Board votes not to adopt, the respondent is notified, transcripts from the hearing are ordered, and the Board will meet in closed session to consider the evidence and render a decision. In any case, once notified of the Board's decision, the respondent may file a petition for reconsideration in accordance with the Administrative Procedures Act.

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

BPC Section 801.1 (a) requires every state or local governmental agency that self-insures a person who holds a license, certificate, or similar authority, shall report any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services.

BPC Section 802 requires that every settlement, judgment, or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a person who holds a license, be reported to the Board.

BPC Section 803.5(a) requires the clerk of the court to notify the Board of any filings against a licensee charging a felony. BPC Section 803.5(b) also requires the clerk of the court to notify the Board, within 48 hours after the conviction, by transmitting a certified copy of the record of conviction to the Board.

BPC Section 2570.36 requires that "If a licensee has knowledge that an applicant or licensee may be in violation of, or has violated, any of the statutes or regulations administered by the board, the licensee shall report this information to the board in writing and shall cooperate with the board in providing information or assistance as may be required."

The Board also relies on subsequent arrest and subsequent conviction notifications from the Department of Justice.

The Board is not aware of any issues receiving any of the above notifications.

- What is the dollar threshold for settlement reports received by the board?

\$3,000.

- What is the average dollar amount of settlements reported to the board?

The Board received no reports under BPC Sections 801 or 802 during the reporting period.

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

- What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

The Board does not settle cases prior to the filing of an accusation.

- What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

Over the last four fiscal years, the Board has settled 22 cases, post-accusation. In that same time, 10 proposed decisions (resulting from a hearing) were adopted by the Board.

- What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

Assuming that each settlement had the potential to go to hearing, 69% of potential hearings were resolved via settlement.

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

The Board has no statute of limitations for administrative violations. Board staff typically works with DCA's Division of Investigation (DOI) in matters and/or the Office of the Attorney General (AGO) to determine the viability of successfully prosecuting the case. Also, if the case is transmitted to the AGO, the Deputy Attorney General assigned to the case will advise staff if they have concerns with successfully prosecuting the case; this includes a review of a variety issues, including but not limited to, the age of the violations, mitigation, etc.

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

The Board continues to make unlicensed practice a priority. The vast majority of cases pertain to licensees that renew delinquent. In the event a practitioner practices on an expired license, the Board issues a citation and fine if the violation was for a period less than a year. If a practitioner practices on an expired license for a year or more, an accusation is filed against the practitioner. Typically, these accusation cases are resolved by a stipulated settlement and disciplinary order placing the practitioner on probation for a period of three years with standard terms, including an order for cost recovery. To date, the Board has not seen a practitioner that was placed on probation for practicing on an expired license recommit a similar offense.

The Board uses internal controls pertaining to potential instances of unlicensed practice. For example, a report is run monthly identifying licensees that have renewed delinquent. Investigations are opened and the licensee is contacted to determine if they practiced on an expired license. Applicants are also investigated for unlicensed practice if they indicate work history as an OT or OTA in California on their application. In cases of unlicensed practice committed by an OTA, the supervising OT is contacted and often cited for supervising unlicensed practice. This serves to remind OT that they are responsible for ensuring current licensure of the OTAs that they supervise. The Board will continue to make efforts to educate and inform employers, the profession, and others about unlicensed practice issues and encourage stakeholders to verify the status of licenses online at search.dca.ca.gov

Cite and Fine

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

Business and Professions Code (BPC) Section 125.9 authorizes the Board to establish, by regulation, a system for issuing citations to licensees which may contain an order of abatement and/or an order to pay an administrative fine. The Board established CCR Section 4140(a), which authorizes the Board's executive officer or their designee to issue citations and fines to licensees.

BPC Section 148 authorizes the Board to establish, by regulation, a system for issuing citations to an unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the Board. The Board established CCR Section 4140(b), which authorizes the Board's executive officer or their designee to issue citations containing fines and/or orders of abatement to unlicensed persons. This authority is exercised on a case-by-case basis when violations are not necessarily egregious enough to warrant discipline and a lesser form of action is appropriate.

Pursuant to CCR Section 4141(a), fines range from \$50 to \$5,000. The following factors are considered, in accordance with CCR Section 4141(b):

1. Gravity of the violation,
2. History of previous violations involving the same or similar conduct,
3. Length of time that has passed since the date of the violation,
4. Consequences of the violation, including potential for harm to consumer, the good or bad faith exhibited by the cited individual,
5. Evidence that the violation was willful,
6. The extent to which the individual cooperated with the board's investigation,
7. The extent to which the individual has remediated any knowledge and/or skills deficiencies; or
8. Any other mitigating or aggravating factors.

The Board increased its maximum fines to the \$5,000 statutory limit, effective August 19, 2011. This maximum is reserved for Class "A" violations, which range from \$1,001 to \$5,000, and may be issued under specific circumstances that are more serious in nature and resulted in or had significant potential for consumer harm. Violations include, but are not limited to, failing to provide direct in-sight supervision of an aide when the aide performed a client related task that resulted in harm to a consumer, failing to provide adequate supervision to an occupational therapy assistant that resulted in harm to the patient, fraudulent billing, and other violations.

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

The Board uses cite and fine as an alternative means of addressing violations which do not warrant formal discipline. The majority of violations are addressed through cite and fine authority.

CCR Section 4141(a) separates violations into four classes, A through D, which correspond to a range of appropriate fine amounts. The violations described by these classes are the basis for citation and fine:

- Class A: \$1,001 - \$5,000. Violations include, but are not limited to:
Failing to provide direct in-sight supervision of an aide resulting in patient harm, failing to provide adequate supervision to an occupational therapy assistant resulting in patient harm, fraudulent billing, practicing without a current and active license for a period greater than 1 year, or functioning autonomously as an OTA.
- Class B: \$501 - \$2,500. Violations include, but are not limited to:
Failing to provide direct in-sight supervision of an aide, failing to provide adequate supervision to an occupational therapy assistant, providing advanced practice services without board approval, or practicing without a current and active license for a period greater than 3 months but less than 1 year, or supervising more occupational therapy assistants than allowed by law
- Class C: \$50 - \$1,000. Violations include, but are not limited to:
Practicing without a current and active license for a period of three months or less, failing to provide a patient or client access to their medical records, failing to respond to a written request by the board for additional information relating to a renewal application.
- Class D: \$50 - \$250. Violations include, but are not limited to:
Failing to provide an address change within 30 days.

More serious violations may still be referred for disciplinary action even if they would fall under one of the classes above.

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

	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	Total
Informal Conferences	36	13	23	75	147
Administrative Appeals	6	1	3	18	28

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

The five most common violations are:

- Failure to report a change of address,
- Unlicensed practice,
- Failure to cooperate in a Board investigation,
- Failing to meet continuing competency requirements, and
- Supervising Unlicensed Practice

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

Of the fines reduced or withdrawn following an appeal each fiscal year, pre-appeal and post-appeal averages are as follows:

	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	Combined
Pre-appeal	\$415	\$590	\$395	\$314	\$385
Post-appeal	\$142	\$228	\$124	\$62	\$111

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

The Board utilizes the Franchise Tax Board's (FTB) Intercept Program to attempt collection of any outstanding fines. Under this program, income tax refund or lottery winnings can be seized and sent to the Board as payment of monies owed. If a fine is not contested and full payment is not made within 30 days of the issuance of a fine, or if the respondent fails to contact the Board to make payment arrangements, the Board will send a demand letter.

The Board will send a second notice about 35 days after the first demand letter was sent. If no response is received after the second letter is sent, a third and final notice will be sent, via regular and certified mail, notifying the individual that the unpaid item will be sent to the FTB and that any tax refunds or lottery winnings will be intercepted and sent to the Board. The FTB will continue to intercept tax refunds and lottery winnings until payment has been made in full.

In addition to FTB intercepts, California Code of Regulation (CCR) Section 4140 (d) states that the full amount of an assessed, non-contested fine shall be added to the fee for renewal of the license and that the license shall not be renewed without payment of the both the renewal fee and the fine.

Cost Recovery and Restitution

45. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

Consistent with prior years, cost recovery ordered fluctuates with the number of cases finalized; cost recovery collected is spread out over the probation period.

The Board requests cost recovery in all cases in which it is authorized to seek cost recovery. The Board's Enforcement Unit requests and ensures that each Accusation prepared by the Office of the Attorney General incorporates a request for cost recovery with reference to the applicable statute, Business and Professions Code Section 125.3. Upon receipt of a Proposed Decision, the Board reviews it to ensure it contains a finding by the administrative law judge regarding the reasonableness of the costs of investigation and prosecution of the case.

If the Board ever received a Proposed Decision that failed to provide such a finding, it is likely to be remanded back to the administrative law judge to incorporate a finding regarding the Board's costs. Cases that have been resolved by a Stipulated Settlement have included an order for full or partial costs, depending on the nature and severity of the violation, the respondent's prior disciplinary record, mitigating evidence, the extent to which the respondent has cooperated with the Board and recognized and demonstrated a willingness to correct and/or take steps to prevent reoccurrence of their wrongdoing.

46. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The Board requests recovery of its costs for all cases against licensees relating to revocations, surrenders, and probation; the Board cannot request its costs in investigating or enforcing cases against applicants.

However, not all licensees are ordered to reimburse the Board all of its costs. An administrative law judge may only order a portion of the Board's costs or to facilitate a stipulated agreement, cost recovery in an amount less than the total costs may be agreed to. Amounts for potential cases, cases ordered, and the ranges of cost recovery that has been ordered and received are reflected by fiscal year in Table 11, Cost Recovery.

47. Are there cases for which the board does not seek cost recovery? Why?

The Board does not seek cost recovery in cases denying an application for licensure. BPC Section 125.3(a) authorizes the Board to seek recovery of its costs in the investigation and prosecution in cases against licensees, not applicants.

48. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery. If the board does not use Franchise Tax Board intercepts, describe methods the board uses to collect cost recovery.

The Board uses the Franchise Tax Board's Intercept Program to attempt collection of any outstanding cost recovery orders. Under this program, tax returns or lottery winnings can be seized and sent to the Board as payment of monies owed. Respondents who failed to pay the ordered cost recovery are sent Demand Letters when an account is 30 days delinquent. If payment in full is not made within 30 days or if the respondent fails to contact the Board to make payment arrangements, the Board will send a second notice at 60 days delinquent. If no response is received from the first or second letters, a third and final notice will be sent, regular and certified mail, notifying the individual that his/her file will be sent to FTB and that any tax refunds or lottery winnings will be intercepted and sent to the Board. The FTB will continue to intercept tax refunds and lottery winnings until payment in full has been made. In addition to the FTB action, CCR Section 4140 (d) states that the full amount of an assessed, non-contested fine shall be added to the fee for renewal of the license and the license won't be renewed without payment of the both the fine and the renewal fee.

Table 11. Cost Recovery⁸ (list dollars in thousands)				
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
Total Enforcement Expenditures	\$994	\$1,013	\$1,100	\$1,423
Potential Cases for Recovery *	15	7	11	19
Cases Recovery Ordered	15	7	11	19
Amount of Cost Recovery Ordered	\$74	\$8	\$26	\$49
Amount Collected	\$13	\$20	\$9	\$22

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

Cost recovery ordered continues to fluctuate with the number of disciplinary actions in a given year as well as the nature of the violation, the complexity of the investigation, and the circumstances of the respondent. The majority of cost recovery collected is from probationers, who often set up payment plans. Thus, the amount collected is spread out over the probationary period.

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

Efforts have not changed since the last review as the Board continues to request restitution in those cases that warrant it for consumers harmed by a licensee's actions. No cases from the last four fiscal years have included an order for restitution.

⁸ Cost recovery may include information from prior fiscal years.

SECTION 5

PUBLIC INFORMATION POLICIES



Section 5 – Public Information Policies

50. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board's website? When are draft-meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board uses its website to keep the public informed of Board activities. The Board posts Notices and Agendas for Board and Committee meetings on its site at least 10 days prior to the scheduled day of the meeting. The Board also posts meeting materials the same week as the scheduled meeting. The Board has every meeting agenda and/or minutes listed on its website since August 2001. The Board does not post draft meeting minutes on its website. The Board posts approved meeting minutes on its website as soon as practical after they have been approved by the Board. Both minutes and materials remain available on the website indefinitely, once they have been posted.

In addition to the Board's website the Board uses Email Listserv and social media platforms, including Twitter and Instagram, to keep stakeholders informed of Board activities.

51. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long will archived webcast meetings remain available online?

The Board webcasts its meetings whenever the meeting venue's technology and infrastructure allow. Committee meetings are conducted virtually over WebEx and therefore not streamed through webcast, since the public can participate fully through the WebEx platform. The Board intends to continue webcasting public meetings whenever possible and to continue conducting committee meetings through WebEx. Webcast and WebEx recordings are hosted on YouTube by DCA and linked on the Board's website. Because these recordings have been downloaded from their respective platforms and hosted elsewhere, they should remain available to the public indefinitely.

52. Does the board establish an annual meeting calendar and post it on the board's web site?

The Board establishes an annual meeting calendar that is posted on the Board's website and can be located by clicking on the Board Activity icon on the Board's homepage, then selecting Meetings. The Meetings page shows all scheduled Board and committee meetings for the current calendar year along with each meeting's agenda, materials, minutes, and recordings if available. The same can be found for prior calendar years by scrolling down to the "Past Meetings" section of the page.

53. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*?

The Board's complaint disclosure policy is consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*.

- Does the board post accusations and disciplinary actions consistent with BPC § 27, if applicable?

Although not specified in subsections (c), (d), or (e) the Board does post accusations and disciplinary actions consistent with BPC Section 27. The Board posts accusations and finalized disciplinary actions on licensees' license verification pages, accessible from search.dca.ca.gov.

The Board's own website provides a "Disciplinary Actions" page which lists all current probationers (name, license number, length of probation, effective date, and tolling status) and all licensees that have been subject to discipline (name, license number, type of discipline, and effective date).

- Does the board post complaint data on its website? If so, please provide a brief description of each data point reported on the website along with any statutory or regulatory authorization.

Complaint data for each quarter is posted to the Board's website through its meeting materials as part of the Executive Officer's report. The complaint data in the report covers the following data points:

- Total complaints opened/received
- Complaints opened due to convictions or arrests
- Petitions for reinstatement received
- Applications denied
- Complaints closed
- Complaints/Investigations pending
- DOI investigations opened
- DOI investigations pending
- Cases transmitted to the Attorney General's Office
- Cease practice orders
- Final decisions

54. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The Board provides the licensee's name, license type, license number, license status, information relative to whether they have been approved to provide advanced practice services, expiration date of the license, and the city, county, state and zip code of their address of record. The Board also publishes whether the licensee has been the subject of disciplinary action and/or an administrative citation.

55. What methods does the board use to provide consumer outreach and education?

The Board's consumer outreach is done through the Board's website, email Listserv, and via social media (Twitter and Instagram).

Board staff also attend outreach events held at universities and participates and presents on Board business and current events at the Occupational Therapy Association of California's annual conference.

SECTION 6

ONLINE PRACTICE ISSUES



Section 6 – Online Practice Issues

56. Discuss the prevalence of online practice and whether there are issues with unlicensed activity.

- How does the board regulate online/internet practice?

The Board is unaware of current, accurate methods of measuring the prevalence of online occupational therapy services otherwise known as services provided via 'telehealth.' The Board currently regulates occupational therapy services provided via telehealth, under the authority provided in BPC section 2290.5. The Board adopted amendments to CCR section 4172, to define and clarify standards for providing occupational therapy services via telehealth, on April 1, 2014. The primary purpose of the regulation was to establish and provide guidelines for therapists to consider when deciding whether telehealth is an appropriate mode of delivery for services. While telehealth promotes access and greater convenience to consumers the Board felt it was necessary to establish and clarify not all services or interventions might be appropriate or safe to provide via telehealth in the interest of public safety.

The Board adopted regulatory amendments to CCR Section 4172(b) effective April 1, 2017, that were designed to amend and clarify that an occupational therapist does not need to obtain a patient's/client's consent for subsequent telehealth services once the patient/client initially consents to receive occupational therapy services via telehealth. The amendment was designed to eliminate confusion, misinterpretation and promote access and greater convenience for the consumer.

The Board adopted regulatory amendments to CCR Section 4176 effective October 1, 2017, requiring licensees advise their patients/clients that their license is regulated by the Board and require licensees to display their first and last name; license type; and highest level of earned academic degree related to the provision of occupational therapy services (with minimal exceptions) on their name badge in at least 18-point font, in their office in at least 24-point font, and on any website directly controlled or administered by the occupational therapist or occupational therapy assistant or his or her office personnel.

- How does the board regulate online/internet business practices outside of California?

The Board may only regulate online/internet practice within California. If it is reported that a California occupational therapy practitioner is treating a patient outside of California via telehealth without a valid license in that state, Board staff would conduct an investigation and simultaneously forward the matter to the state board that the patient resides in.

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

The Board has not received any complaints pertaining to telehealth, thus it feels that the adopted amendments to CCR Section 4172 sufficiently protect the public.

SECTION 7

WORKFORCE DEVELOPMENT AND JOB CREATION



Section 7 – Workforce Development and Job Creation

57. What actions has the board taken in terms of workforce development?

The Board developed the Supervision Standards Ad Hoc committee to align the current supervision regulatory language with the needs of the occupational therapy profession while ensuring consumer safety.

Over the course of six meetings the supervision ratios were discussed, further defined and clarified, effectively increasing the number of level one students, level two students, occupational therapy assistants, aides and limited permit holders that can safely be supervised by an occupational therapist and occupational therapy assistant. Once finalized the regulation update will effectively improve workforce development by allowing willing practitioners to supervise more students to expedite completion of their fieldwork, which will allow new practitioners to enter the workforce sooner. Additionally, the clarification and update of the regulation could instill confidence in a potential supervising practitioner removing any perceived ambiguity and encourage them to take on a supervisory role and give back to the profession and earn continuing education credit while doing so.

58. Describe any assessment the board has conducted on the impact of licensing delays.

The Board has not conducted a formal assessment regarding any delays in licensing applicants. However, the Board is aware of and sensitive to this issue and strives to license all qualified individuals as soon as possible and there have not been any delays.

59. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Board has coordinated and conducted overview sessions to graduating students at various California occupational therapy educational programs. The purpose and design of the overview session is to orient students with the processes and requirements for licensure and describe and inform students of the Board's role and responsibility of protecting the public. The Board has had staff attend the annual conference of the Occupational Therapy Association of California (OTAC) to answer questions from licensees and potential licensees.

60. Describe any barriers to licensure and/or employment the board believes exist.

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

61. Provide any workforce development data collected by the board, such as:

a. Workforce shortages.

The Board collects data that the Department of Health Care Access and Innovation (HCAI) uses to inform policymakers regarding workforce development. The public has access to robust data sets regarding the state's health workforce, which can be accessed at this link [<https://hcai.ca.gov/workforce/health-workforce/workforce-data/#health-workforcedatasets>].

b. Successful training programs.

The Board does not currently have the staff or the funding available to provide training programs for licensees or to perform independent studies on workforce shortages and training programs. The Board relies on associations and schools to provide training. The associations and schools may also compile workforce shortage information and information on training programs.

62. What actions has the board taken to help reduce or eliminate inequities experienced by vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or otherwise avoid harming those communities?

To help reduce or eliminate the inequities experienced by vulnerable communities the Board:

- Enrolled its entire staff in an off campus five-hour interactive DEI course that promoted fair treatment by valuing differences, ensuring equal opportunities, and fostering a sense of belonging. There was an emphasis on color lingo, or the use of colors to represent concepts within DEI to symbolize different values, such as red for perseverance and blue for compassion. Understanding these concepts is crucial for effective communication and building inclusive environments.
- Partnered with DCA, to implement the federal Servicemember Civil Relief Act, which expedites and waives fees for spouses or domestic partners of active-duty military personnel and expedites licensure for military members enrolled in the U.S. Department of Defense SkillBridge program.
- Presented at the Occupational Therapy Association of California's annual conference on the topic of '*California Board of Occupational Therapy Annual Update*'. The presentation provided, among other things, information on licensing, regulatory issues/updates and the impending fee increase and enforcement changes affecting OTs and OTAs. Additionally, the Executive Officer of the Board staffed a booth at the conference on two separate days to avail himself to the practitioners for all their questions and concerns.
- Volunteers and accepts all requests to have the Executive Officer present to any occupational therapy program on the role of the Board as it pertains to their license. The Executive Officer also offers tips for navigating the licensing process with efficiency.
- Created an ADA compliant overview of licensing and limited permit requirements in July of 2023 as well as a flowchart that were posted on the Board's website to better prepare applicants for the requirements which enable them to achieve licensure more efficiently.
- Approved a regulation package that once finalized will require a continuing education course pertaining to culturally relevant practice, socio-cultural factors, working with diverse populations and/or bias a requirement upon biennial renewal.

SECTION 8

CURRENT ISSUES



Section 8 – Current Issues

63. Describe how the board is participating in development of online application and payment capability and any other secondary IT issues affecting the board.

- Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The Board transitioned to BreEZe during the Department's second release which was in January 2016. There are currently five change requests (Board Maintenance and Operations or BMOs) pending that will add enhancements to the system in future releases. There have been 3,540 BMOs that have affected the Board completed to date (since Release 2 launched in 2016).

- If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? Is the board currently using a bridge or workaround system?

The Board uses BreEZe; this is not applicable.

SECTION 9

BOARD ACTION AND RESPONSE TO PRIOR SUNSET ISSUES



Section 9 – Board Action and Response to Prior Sunset Issues

BUDGET ISSUES

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

Background: CBOT has intentionally operated with less revenue than its expenses to reduce its reserve levels in compliance with statutory requirements. However, unless CBOT can increase its revenue, or further reduce its expenditures, it is projected to become insolvent by FY 2023-24.

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

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

CBOT also reports a large increase in expenditures on court reporters. The Office of Administrative Hearings contracts with court reporters to provide transcription services during a hearing. Recent Page 17 of 24 contract amendments, changing from hourly to flat all day or one-half day rates (without regard to hearing length), as well as rates varying by geographical area, are attributed to the rising costs.

Other cost pressures out of CBOT's control include steady increases in state worker pay and benefits, rent, and general costs due to inflation. In addition, the overall workload increases as the licensee population also steadily increases. As a result, it is unlikely CBOT will be able to address its budget deficit through expenditure reduction. Therefore, it is currently considering increasing its fees but has not decided on any specific proposal. At the CBOT's recent February 15, 2022, board meeting, staff discussed the budget issue and presented several proposals and budget scenarios. CBOT has several options, including a straight fee increase across all fees, seeking statutory changes to untether the initial license fee from the renewal fee, creating new fees for certain services it provides for free, among other things. New fees could include minor services such as printing pocket cards or more major services such as approving advanced practice education providers (discussed further under Issue #6).

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

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

Board's 2022 Response: As mentioned in the Board's 2016 Sunset report, there has been a historical disparity between revenue earned and the Board's expenditures. With prudent fiscal management and targeted expenditure reductions, for many years the Board's fund condition continued to support the fact that annual expenditures exceeded revenue earned.

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

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

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

Thus, after considering various scenarios at several meetings, at its meeting on February 15, 2022, the Board tasked an ad hoc budget committee of two Board Members to work with the Board's Executive Officer to review revenue/expenditure information and different scenarios, including various fee increases and proposed new fees, to provide a recommendation to the full Board at its May 19-20 meeting. The ad hoc committee held meetings to discuss the impact of varied fee increases on March 16th and March 23rd; another ad hoc committee meeting is scheduled for April 22nd.

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

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

Board's Current Response:

As discussed in the Board's 2022 response, the ad hoc Budget Committee was tasked with developing a comprehensive fee package and making a recommendation to the full Board. The committee made its original recommendation to the Board at its May 19-20, 2022 meeting, which proposed raising renewal fees for OTs and OTAs from \$270 to \$350 biennially and from \$210 to \$270 biennially, respectively. Additional increases were also proposed and a summary of all changes can be seen in the table below.

Fee Type	Amount at Time of Discussion	Proposed Amount
Renewal Fee – OT	\$270	\$350
Renewal Fee – OTA	\$210	\$270
Delinquent Fee – OT	\$135	\$175
Delinquent Fee – OTA	\$105	\$135
Application Fee – OT	\$50	\$350
Application Fee – OTA	\$50	\$270
Initial License Fee – OT	\$270	\$350
Initial License Fee – OTA	\$210	\$270
Limited Permit Fee – OT	\$100	\$250
Limited Permit Fee – OTA	\$100	\$150
Retired Status Fee	\$25	\$100
Advanced Practice App Fee	\$0	\$200
Pocket License	\$25	\$50
Duplicate Wall Certificate	\$25	\$50
License Verification	\$35	\$75
Certified Transcript	Not offered.	\$35

The Board voted to adopt the fee changes as proposed by the ad hoc Budget Committee and directed Board staff to initiate a contract for a Fee Study. However, increased revenue in FY 2022-23 resulted in the timeline for a fee increase being extended and the Board decided that the ad hoc Budget Committee should revisit the matter to determine if fees could be increased by a smaller amount while still ensuring solvency. This new proposal was presented to and adopted by the Board at its February 2024 meeting and a summary of the newly proposed increases can be seen in the table below.

Fee Type	Amount at Time of Discussion	Proposed Amount
Renewal Fee – OT	\$270	\$300
Renewal Fee – OTA	\$210	\$240
Delinquent Fee – OT	\$135	\$150
Delinquent Fee – OTA	\$105	\$120
Application Fee – OT	\$50	\$75
Application Fee – OTA	\$50	No Change.
Initial License Fee – OT	\$270	\$300
Initial License Fee – OTA	\$210	\$240
Limited Permit Fee – OT	\$100	\$225
Limited Permit Fee – OTA	\$100	\$125
Retired Status Fee	\$25	\$50
Advanced Practice App Fee	\$0	\$200
Pocket License	\$25	\$50
Duplicate Wall Certificate	\$25	\$50
License Verification	\$35	\$50
Certified Transcript	Not offered.	\$25

Board staff was then directed to seek an author for a bill that would enact these fee changes. However, a contracted Fee Study had not yet been conducted and a contract for the study would not be in place until FY 2024-25. During the same fiscal year, budget projections showed that the Board was expected to overspend its budget authority and the estimated \$30,000 cost of the Fee Study would need to be averted to prevent this from happening. As a result, the study was postponed and more immediate measures to prevent insolvency were considered.

A new plan to address the Board's fund imbalance was adopted as follows. First, it was determined that a fee analysis could be conducted by working with the DCA Budget Office. This would eliminate the need for a costly, external study. While the Board worked with the Budget Office to analyze its fee structure, it voted to initiate a rulemaking package that would increase biennial renewal fees to \$300 for both OTs and OTAs. That package is currently awaiting approval from the Director and is anticipated to go into effect by July 1, 2026. However, this increase will not be sufficient to address the fund imbalance and statutory changes to the fee structure are still necessary.

To fully address the fund imbalance and prepare for the future, the Board is seeking changes to the statutory maximums for some fees. The Board has approved the following draft language:

Business and Professions Code Section 2570.16

~~Initial license and renewal fees shall be established by the board in an amount that does not exceed a ceiling of one hundred fifty dollars (\$150) per year. The board shall establish the following additional fees:~~

(a) Notwithstanding any other law, the board shall establish renewal fees as follows:

(1) The biennial renewal fee for an occupational therapist license shall not exceed five hundred dollars (\$500).

(2) The biennial renewal fee for an occupational therapy assistant license shall not exceed four hundred fifty dollars (\$450).

(b) The board shall establish the following additional fees:

~~(a)~~ (1) An license application fee not to exceed fifty dollars (\$50) one hundred dollars (\$100).

~~(b)~~ (2) A late renewal fee as provided for in section 2570.10 not to exceed one half the renewal fee.

~~(c)~~ (3) A limited permit fee.

~~(d)~~ (4) An advanced practice approval application fee not to exceed two hundred dollars (\$200).

(5) A pocket license fee not to exceed fifty dollars (\$50).

(6) A duplicate wall certificate fee not to exceed fifty dollars (\$50).

(7) A fee for a letter of good standing, endorsement, or verification of licensure not to exceed fifty dollars (\$50).

~~(d)~~ (8) A fee to collect fingerprints for criminal history record checks. This fee shall not exceed the amount charged by the agency providing the criminal history record checks.

~~(e)~~ (9) A fee to query the National Practitioner Data Bank for applicants for licensure and renewal of licensure. The fee shall not exceed the amount charged per query.

Business and Professions Code Section 2570.17

(a) The board shall issue, upon application and payment of a ~~twenty-five dollar (\$25)~~ fifty dollar (\$50) fee, a retired license to an occupational therapist or an occupational therapy assistant who holds a license that is current and active, or capable of being renewed pursuant to Section 2570.10, and whose license is not suspended, revoked, or otherwise restricted by the board or subject to discipline under this chapter.

This fee structure would allow for costs to be offset by application fees and other incidental fees charged by the Board. The proposed changes would also make separate the statutory limit on renewal fees for each of the license types issued by the Board.

If increased statutory authority is granted, the Board's fund could be brought into balance through a combination of the previously mentioned regulatory package to increase renewal fees and a subsequent package to increase application fees, advanced practice application fees, duplicate license fees, and license verification fees.

ADMINISTRATIVE ISSUES

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

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

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

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

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

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

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

Board's 2022 Response: Filling staff vacancies is a priority. In addition to the actions noted above, the Board:

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

Additional recruitment packages are in progress, including:

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

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

Board's Current Response: Since the last Sunset Review, the Board has been successful in filling most of its vacant positions.

A recruitment package for a permanent Enforcement Manager position was submitted on March 9, 2022, and interviews for the position were first held on April 19th of that same year. However, no candidate was selected for the position at that time, and the recruitment was reposted multiple times before a suitable candidate was hired on July 5, 2023. That Enforcement Staff Services Manager (SSMI) accepted another position outside the Board on March 8, 2024. The Board's current Enforcement Manager was hired on July 1, 2024.

The Board now has a dedicated Probation Monitor and dedicated Discipline Coordinator, both of whom serve at the Associate Governmental Program Analyst (AGPA) level. All other positions in the Enforcement division are currently filled, including the Office Technician position that was left vacant when the previous employee retired on December 1, 2023.

The Board established a permanent Licensing and Administration Manager position on December 14, 2022, and filled that position on February 1, 2023. The AGPA position in the Licensing and Administration unit became vacant on July 1, 2024, and the Board decided to backfill the position at the Staff Services Analyst (SSA) level, which was completed on November 4, 2024. Currently, the only vacant position in the Licensing and Administration unit is an SSA Administrative Analyst position that became vacant on May 28, 2025. The Board submitted a recruitment package to reclassify this vacant position to the AGPA level on November 13, 2025, and hopes to fill it as soon as possible.

The reclass serves as part of the Board's succession planning efforts, as it will be necessary to have a member of staff that is familiar with and capable of taking leadership on a wide array of Licensing and Administrative duties, in the event that the Licensing and Administration SSMI retires.

Additionally, the new AGPA will be trained to handle personnel and recruitment issues that are currently being handled by a Retired Annuitant (RA). The RA was hired on August 15, 2022, to consult with and advise the SSMI on recruitment and retention issues and continue to address the vacancy rate. The RA prepares and processes all requests for various personnel related transactions, such as backfilling vacancies, reclassifications, interviews, and completing required hiring and recruitment documents. While this staff member's contributions have greatly helped to reduce the Board's vacancies, it is important that the duties be transferred to a permanent member of staff.

A brief history of the Board's other RA contracts since the last Sunset is as follows:

An RA was hired on November 29, 2022, before the impending retirement of the Enforcement manager in February 2023, to document and assist with the development of a transition plan and valuable institutional knowledge. The RA helped maintain the set timelines for completion of work assignments and handled the review of more complex work previously handled by the Enforcement Manager. The RA contract expired on September 30, 2023.

On December 13, 2022, an additional RA was hired to assist the Enforcement unit with high-level enforcement case review, complaint case management, and oversight. The RA reviewed investigation reports issued by the Division of Investigation (DOI) and draft citation orders prepared by enforcement staff. The RA contract expired on December 31, 2024.

On May 2, 2024, an RA with extensive enforcement knowledge was hired to assist with the onboarding and transfer of knowledge to the current Enforcement SSML. They assisted with the enforcement unit workload, and onboarding and training the newly hired staff. The RA appointment expired on June 30, 2025.

Lastly, an additional Board staff position was intentionally left vacant to comply with Department of Finance Budget Letter 24-24, which directed state agencies to identify vacant positions in an effort to meet the Governor's efforts to increase savings. Currently, of the Board's 17.7 authorized positions, two are vacant, one of which remains vacant in anticipation of a reduction in position authority.

LICENSING ISSUES

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

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

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

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

Board's 2022 Response: The Board appreciates the Committee raising the issue of adding occupational therapy professional corporations to the Moscone Knox Act. Since the issue of adding OT corporations didn't appear to be a consumer protection issue, it has not been discussed by the Board since AB 1000 allowed "any person licensed under Division 2" to be employed by any professional corporation listed in the Corporations Act.

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

Board's Current Response: The Board discussed the inclusion of OT corporations in the Moscone-Knox Professional Corporations Act at its May 19-20, 2022 meeting and voted to pursue language to include OT Professional Corporations in its Practice Act, modelled after analogous language in the Physical Therapy Practice Act. Such language was added following the passage of AB 2671.

In a letter of support for AB 2671, the Board requested changes to its Practice Act that would extend unprofessional conduct of a licensee to include acts that would violate Moscone-Knox, would define unprofessional conduct of an occupational therapy corporation, and would allow the Board to adopt regulations requiring that the bylaws of an OT corporation addressing capital stock owned by disqualified persons. In addition, and perhaps most notably, the letter requested changes to the Moscone-Knox Professional Corporations Act that would exempt OT Corporations from being required to obtain a certificate of registration in order to render professional services.

The passage of AB 2671 provided for the inclusion of OT Professional Corporations in the Practice Act and the exemption as requested in the Board's letter of support.

The Board appreciates the Legislature for raising the opportunity to address the issue of OT Professional Corporations and for the amendments to the OT Practice Act and the Moscone-Knox Professional Corporation Act included in AB 2671.

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

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

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

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

Staff Recommendation: CBOT should inform the committees of any discussions it has had about the Dynamex decision and AB 5, and whether there is potential to impact the current landscape of the profession unless an exemption is provided.

Board's 2022 Response: The issue of AB 5 and the impact to the profession has not been discussed by the Board as the employee/employer relationship or contractor issue didn't appear to be a practice or a consumer protection issue. However, the prevalence of OTs who are independent contractors suggests the value of the Board discussing an exemption to the Labor Code for contracting OTs at a future Board meeting. If it is determined that an exemption from the Labor Code for contracting OTs is the direction the Board wants to go, the Board will work with stakeholders and notify the Committees before submitting any legislative proposals.

Board's Current Response: Discussion of AB 5 and the impact to the occupational therapy profession was held at the Board's May 2022 meeting. Discussion and input from the public led the Board to seek an exemption to AB 5 under Labor Code 2783. However, language has not yet been drafted for Board approval and the Board has been unsuccessful in finding an author for a bill.

The Board looks forward to drafting and reviewing exemption language and finding a bill author.

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

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

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

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

Board's 2022 Response: The Board was provided a draft of the Executive Summary of the California OTA Workforce Needs Assessment (WF Study) and the final report was made available to the Board in October 2021. The WF Study was included as an agenda item for discussion at the Board's November 2021 meeting. It was noted at that time that the information generated by the report could also serve as baseline content for a similar study for OTs in the future.

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

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

Board's Current Response: The Board has approved a regulation package that, once finalized, will require a continuing education course pertaining to culturally relevant practice, socio-cultural factors, working with diverse populations and/or bias a requirement upon biennial renewal. This regulation directly addresses the California Community College Centers of Excellence Workforce survey recommendation to support and invest in equity and inclusion initiatives at the state level.

Board staff participated in a five-hour interactive DEI course that promoted fair treatment by valuing differences, ensuring equal opportunities which directly affects the recommendation to support and invest in equity and inclusion initiatives as Board staff is the first line of communication on phones and email responses.

Annual participation at the Occupational Therapy Association of California's annual conference that includes a presentation on the Board's roll as it relates to state licensure and the Executive Officer staffing a booth at the conference expo that offers OTAs and OTs to receive a more personalized platform to voice concerns, ask questions and receive helpful information. This participation contributes to investing in equity and inclusion.

The Board intends to initiate an ad hoc committee to address the remaining workforce survey key takeaways and recommendations. The topics of discussion will include possible paths forward in addressing OTA wages and increasing OTA graduates.

EDUCATION ISSUES

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

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

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

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

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

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

Board's 2022 Response: To ensure consumer protection without being a barrier to the profession, the Board has discussed the advanced practice requirements several times over the years. Different research studies have produced inconclusive evidence for the Board to take definitive action to eliminate or supplant the current advanced practice education and training hours requirements.

The Accreditation Council on Occupational Therapy Education (ACOTE), which accredits occupational therapy education programs, updated their standards (i.e., educational content and other requirements) in 2018, which went into effect July 31, 2020. The Board may find it useful to interview the OT schools, or partner with a university to do so, to glean their assessment of student competency in the areas of dysphagia, hand therapy and use of physical agent modalities (PAMs).

It should be noted that ACOTE standards describe minimum educational content, but do not quantify the amount of time to be spent on the topics (e.g., number of hours spent vs. quarter-long or semester-long course); course delivery is left up to each individual program to determine how it will implement the standard.

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

Board's Current Response: The Board's Practice Committee has been tasked with evaluating the need for and stringency of requirements for approval in the advanced practice areas of PAMS, hand therapy, and dysphagia. As noted in the Board's 2022 response, the Accreditation Council for Occupational Therapy Education (ACOTE) has updated its minimum standards for accreditation. Since the standards that went into effect in 2020, ACOTE has issued newer guidelines that went into effect on July 31, 2025, and these standards are what have primarily informed the committee's discussion and recommendations. In addition, the committee gathered input from educators from various occupational therapy programs throughout the state, and met with ACOTE's Director of Accreditation, Teresa Brininger, to seek clarification regarding the new standards.

At present, the committee has completed its discussion of the requirements for PAMS and hand therapy approval and has made the following recommendations:

PAMs

- To reduce the number of required supervised, on the job training hours from 240 hours to 40 hours **for all OTs**.
 - The committee determined that 40 hours was sufficient to ensure entry level competency to provide PAMs services.
- To eliminate the required 30 contact hours of additional education **for those OTs having started their qualifying degree programs after July 31, 2025**.
 - The committee determined that the most recent ACOTE standards effectively addressed all 7 content areas required for approval by BPC 2570.3(f).

Hand Therapy

- To reduce the number of required supervised, on the job training hours from 480 hours to 80 hours **for all OTs**.
 - The committee determined that 80 hours was sufficient to ensure entry level competency to provide hand therapy services.
- To require that **OTs having started their qualifying degree program after July 31, 2025**, need only complete 8 contact hours of education in surgical procedures of the upper extremity and their post-operative course.
 - The committee determined that the most recent ACOTE standards effectively addressed five of the six content areas required for approval by BPC 2570.3(e).

The Board has adopted the committee's recommendations and will submit a comprehensive rulemaking package once the committee has addressed dysphagia. It is important to note that new graduates affected by the proposed regulatory amendments would still need to apply for approval to provide advanced practice services. This is necessary because these OTs would still need to satisfy the supervised training hour requirement, and certified transcripts would be used to determine eligibility for exemption from the additional education requirement.

The Board feels that there are still consumer protection benefits to requiring advanced practice approval, as a significant portion of the licensee population are not impacted by the updated ACOTE standards. However, it may be possible to phase out the requirement altogether once licensees that studied under the updated standards comprise a larger portion of the licensee population.

ENFORCEMENT ISSUES

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

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

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

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

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

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

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

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

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

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

Board's 2022 Response: Typically, the Board does a good job managing its enforcement cases and meets or exceeds its performance measure targets. A few cases that were atypical or outliers caused the Board to occasionally exceed the expected target(s). The Board also identified an error in case assignment data reported in FY 2016-17 and the Board is working with DCA to get the data corrected and looks forward to a corresponding update in the PMs published on the DCA website.

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

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

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

Board's Current Response: The hiring of additional enforcement staff in 2017, as mentioned in the Board's 2022 response, has continued to have beneficial impacts on enforcement timelines. As discussed in Section 4, Question 1, the Board met its PM3 target in each of the last four fiscal years and the average has been reduced each year. Since the Board has more control over investigation times for cases not referred for formal discipline, these improvements can be attributed to staff training and process improvements.

For cases referred for formal discipline (PM4), the Board met its 540-day target in each of the last four fiscal years, except FY 2021/22. Average time for investigation closure in this year was 46 days above the target. The higher average in this year can be attributed to one outlying case regarding a complaint of patient harm and an OTA acting autonomously. The investigation was referred to DOI and, following that, two expert consultants, before being referred to the AG. Total investigation time for this case was 1,145 days.

In 2021/22, there were 2 cases that took over three years from receipt of complaint to impose formal discipline. For one case, it took 904 days before the Board voted on the ALJ's proposed decision, but the decision was not adopted and another 677 days elapsed before transcripts were ordered, reviewed by the Board, and a decision after non-adoption was served on the respondent. The other case required a sworn investigation and expert review, which took a combined 625 days to complete. Ultimately, a settlement was reached and discipline imposed in 1,111 days.

In 2022/23, one case took more than 3 years to impose discipline. The case involved fraud in violation of U.S. Criminal Code Section 1347. The case was referred to the AGO with 540 days of receipt and an additional 1,580 days passed before an accusation was filed. Respondent's license was surrendered 277 days after the accusation.

With the exception of a few rare cases requiring longer investigation and closure times, the Board generally meets its enforcement timeline targets and imposes timely discipline, when warranted. While the Board feels that current staffing levels are sufficient to meet the needs of the enforcement unit, efforts to improve times are still underway. The Board recently voted to initiate a rulemaking package that would require licensees to complete a California jurisprudence course and an ethics in healthcare course as part of the continuing competency requirements for renewal. Additionally, the Executive Officer and the Enforcement Manager are working to update, improve, and better document internal enforcement processes to aid staff.

COVID-19 ISSUES & RESPONSE

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

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

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

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

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

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

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

Board's Current Response: There are not currently any COVID-19 waivers in effect that affect licensees, limited permit holders, or applicants. The Board does not feel that there is a need to enact any similar COVID-19 waivers.

As mentioned in the Board's 2022 response, the ability to conduct virtual meetings has increased public access and participation while saving on travel and venue costs. The Board is appreciative of the passage of SB 470, which extended certain provisions related to holding meetings via teleconference until January 1, 2030. While there are many benefits to conducting meetings virtually, holding hybrid meetings, where a majority of members are present at one location with other members participating remotely, presents a unique set of technical challenges compared to holding a fully virtual meeting. Most notably, not all locations have the necessary A/V equipment to ensure that online participation is adequately conveyed to the majority of in-person members and public, and vice-a-versa.

The Board is not aware of any barriers to applying for licensure, taking examinations, or receiving training stemming from the COVID-19 pandemic, as most organizations and educational institutions have implemented pandemic action plans to make these things accessible. Applications for licensure can be completed online through BreZE, and continuing education can be completed through online vendors as well.

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

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

The Centers for Disease Control notes that “[p]roviding care to others during the COVID-19 pandemic

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

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

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

Board's 2022 Response: The Board recognizes the impact on the mental and behavioral health needs of the OT practitioners (burnout, working overtime, holding multiple jobs, balancing the support of your clients, your family and yourself, loss of job and income due to vaccination status).

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

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

Board's Current Response:

The Board continues to recognize the impact of COVID-19 on the mental and behavioral health needs of OT practitioners. However, enforcement data supports the Board's 2022 findings in that there doesn't appear to have been an increase in complaints due to services provided, documentation time or resource availability or other impacts of COVID-19.

The Board has not yet had the opportunity to review or discuss any research regarding the mental health impacts of COVID-19 on healthcare professionals but looks forward to doing so at a future meeting. An ad hoc Committee may be appropriate if preliminary discussion indicates the need for in-depth discussion.

EDITS TO THE PRACTICE ACT

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

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

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

- Other technical or conforming changes.

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

Board's 2022 Response: Given the Board's fiscal situation, the Board hopes the Committee would be supportive of establishing a Probation Monitoring fee to help offset the Board's costs associated with monitoring licensees placed on probation. This would reduce the costs passed onto the licensing population as a whole.

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

2570.33

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

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

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

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

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

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

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

Board's Current Response:

The Board is seeking changes to BPC Section 2570.19 that would allow more flexibility regarding the location of meetings. Given the increased access for public participation in meetings due to teleconference options, the Board feels that the public would be served by meeting at least once annually in both Southern and Northern California. An amendment to the code section could include:

BPC Section 2570.19

~~(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco~~ The Board shall meet at least three times a year, meeting at least once each calendar year in northern California and once each calendar year in southern California. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board

SECTION 10

NEW ISSUES



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

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

Of the issues identified in Section 9, the Board considers the following to be priorities:

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.

In addition to the issues identified by the committees during the last Sunset review, the Board raised the following issues that have not been addressed.

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

2570.4

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

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

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

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

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

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

- (2) The person possesses a current, active, and nonrestricted license to practice occupational therapy under the laws of another state that the board determines has licensure requirements at least as stringent as the requirements of this chapter.
- (3) Occupational therapy services are performed in association with an occupational therapist licensed under this chapter, and for no more than 60 days from the date on which the application for licensure was filed with the board.
- (e) Any person employed as an aide subject to the supervision requirements of this section.

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

2570.6

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

- (a) That the applicant is in good standing and has not committed acts or crimes constituting grounds for denial of a license under Section 480.
- (b) (1) That the applicant has successfully completed the academic requirements of an educational program for occupational therapists or occupational therapy assistants that is approved by the board and accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or accredited or approved by the American 102 Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program.
- (2) The curriculum of an educational program for occupational therapists shall contain the content required by the ACOTE accreditation standards, or as approved by AOTA's predecessor organization, or as approved by AOTA's Career Mobility Program.
- (c) (1) For an applicant who is a graduate of an occupational therapy or occupational therapy assistant educational program who is unable to provide evidence of having met the requirements of paragraph (2) of subdivision (b), he or she may demonstrate passage of the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraph (2) of subdivision (b).
- (2) For an applicant who completed AOTA's Career Mobility Program, he or she shall demonstrate participation in the program and passage of the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraphs (1) and (2) of subdivision (b).
- (d) That the applicant has successfully completed a period of supervised fieldwork experience approved by the board and arranged by a recognized ACOTE-accredited educational institution where ~~he or she~~ the applicant has met the academic requirements of subdivision (b), ~~or (c) or arranged by a nationally recognized professional association.~~ The fieldwork requirements for applicants applying for licensure as an occupational therapist or ~~certification~~ as an occupational therapy assistant shall be consistent with the requirements of the ACOTE accreditation standards, or AOTA's predecessor organization, or AOTA's Career Mobility Program, that were in effect when the applicant completed ~~his or her~~ their educational program.

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

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

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

- New issues identified by the board in this report.

The Board is seeking changes to BPC Section 2570.19 that would allow more flexibility regarding the location of meetings. Given the increased access for public participation in meetings due to teleconference options, the Board feels that the public would be served by meeting at least once annually in both Southern and Northern California. An amendment to the code section could include:

2570.19

~~(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The Board shall meet at least three times a year, meeting at least once each calendar year in northern California and once each calendar year in southern California.~~ The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board

- New issues not previously discussed in this report.

Several other DCA boards, including the Board of Behavioral Sciences, Medical Board, Dental Board, Physical Therapy Board, and Psychology Board, have added requirements to their laws that applicants, registrants, and licensees provide their respective board with a current email address if they have one.

The Board believes such a requirement would be useful as well. It would allow the Board to communicate information about law changes to most of its licensee and registrant population (rather than hoping that they sign up for an email subscription or check the social media pages).

The Board respectfully proposes adding language to the Practice Act that would require applicants and licensees who have an email address to provide one to the Board. The language would prohibit the Board from disclosing these email addresses to the public.

2570.40

(a) An applicant or licensee who has an electronic mail address shall provide the board with that electronic mail address no later than July 1, 2027. The electronic mail address shall be considered confidential and not subject to public disclosure.

(b) An applicant or licensee shall provide to the board any and all changes to their electronic mail address no later than 30 calendar days after the changes have occurred.

(c) The board shall, with each renewal application, remind licensees and registrants of their obligation to report and keep current their electronic mail address with the board.

SECTION 11

ATTACHMENTS



The following attachments are provided:

- A. Board's administrative manual (cf., Section 1, Question 1).
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Year-end organization charts for last four fiscal years (cf., Section 2, Question 15).
- D. 2025 – 2030 Strategic Plan.
- E. Complaint Prioritization Guidelines (cf., Section 4, Question 34).

ATTACHMENT A

BOARD'S ADMINISTRATIVE MANUAL

(CF., SECTION 1, QUESTION 1)



State of California
Department of Consumer Affairs



***BOARD MEMBER
GUIDELINES AND
PROCEDURES MANUAL***

Austin Porter, Executive Officer
1610 Arden Way, Suite 121
Sacramento, California 95815

Tel Number: (916) 263-2294
Email address: cbot@dca.ca.gov

WWW.BOT.CA.GOV

Preface

This document is a summary of existing laws as well as internal Board policies and procedures.

Effective February 21, 2008, the date of adoption of this document, all previous internal Board policies and procedures are rescinded.

Revised December 1, 2011

Revised September 16, 2013

November 7, 2013

Revised February 7, 2019

Revised May 10, 2019

Revised May 21, 2021

Revised November 4, 2021

Revised February 9, 2023

Revised August 22, 2024

Revised November 14, 2024

Table of Contents

Chapter 1 – Introduction	1
Overview	1
Board Mission	1
Abbreviations	1
 Chapter 2 – Board Responsibilities	 3
Composition	3
Officers	3
Meetings	3
Quorum	3
Notice of Meetings	4
Agenda Items	4
Record of Meetings	4
Recording	4
Meeting Rules	5
Public Comment	5
Communication	5
Communication with Interested Parties	6
Ex Parte Communications	6
Correspondence	6
Executive Officer Evaluation	7
Board Member Training	7
 Chapter 3 – Board Members	 9
Board Administration	9
Business Cards	9
Board Member Attendance at Board Meetings	10
Public Attendance at Board Meetings	10
General Rules of Conduct	10
Board Member Disciplinary Actions	10
Removal of Board Members	10
Resignation of Board Members	11
Conflict of Interest	11
Strategic Planning	11
 Chapter 4 – Roles of Board Officers and Committee Chairs	 13
President, Vice President, Secretary	13
Supervision of Executive Officer	13
Performance Appraisal of Executive Officer	14
 Chapter 5 – Executive Officer	 15
Appointment	15
Role	15
Recruitment	15
Selection	15
Board Staff	15

Chapter 6 – Committees	17
Standing Committees	17
Committee Chair	17
Administrative Committee	17
Education and Outreach Committee	18
Legislative/Regulatory Affairs Committee	18
Practice Committee	18
Ad Hoc Committees	18
 Chapter 7 – Committee Meeting Procedures	 21
Advisory Capacity	21
Agendas	21
Appointments	21
Attendance at Committee Meetings	21
Dual Membership	21
Meeting Rules	22
Minimum Qualifications	22
Record of Meetings	22
Recruitment	22
Reimbursement of Travel-related Expenses	22
Residence Requirement	22
Staff Participation	22
Recording	22
 Chapter 8 – Committee Members	 23
Minimum Qualifications	23
Licensee Criteria to Serve on a Committee	23
Public Member Criteria to Serve on a Committee	23
 Chapter 9 – Travel Policies, Procedures, and Per Diem	 25
Travel Approval	25
Claims for Reimbursement of Travel-Related Expenses	25
Per Diem	25
 Chapter 10 – Security Procedures	 27
Request for Records Access	27
Contact with Applicants, Licensees, Complainants, and Respondents	27
 Chapter 11 – Affiliation with DCA	 29
Overview of DCA	29
 Chapter 12 – Affiliation with Other Organizations	 31
American Occupational Therapy Association (AOTA)	31
Council on Licensure, Enforcement and Regulation (CLEAR)	31
National Board for Certification in Occupational Therapy (NBCOT)	31
Occupational Therapy Association of California (OTAC)	31
 Chapter 13 – Other Information	 33
Disciplinary Actions	33

Conclusion	33
References	33
Attachment(s)	35
Board Member Per Diem form	36

Chapter 1. Introduction

Overview

The California Board of Occupational Therapy (Board) was established on January 1, 2001 (Senate Bill 1046, Chapter 697, Statutes of 2000) to protect the health, safety, and welfare of California consumers by regulating the practice of occupational therapists and occupational therapy assistants. It is one of many boards, bureaus, commissions and committees under the umbrella of the Department of Consumer Affairs (DCA), which provides administrative oversight and support services. The Board is autonomous and sets its own policies, procedures and regulations.

This procedure manual is provided to Board Members as a ready reference of important laws, regulations, and Board policies, to guide the actions of Board Members and ensure Board effectiveness and efficiency.

Board Mission

The Board's mission is to regulate occupational therapy by serving and protecting California's consumers and licensees.

Abbreviations

Agencies

BCSHA	Business, Consumer Services, and Housing Agency
CBOT	California Board Occupational Therapy
CDA	California Department of Aging
CDCR	California Department of Corrections & Rehab
CDE	California Department of Education
CDPH	California Department of Public Health
DCA	Department of Consumer Affairs
DDS	Department of Developmental Services
DHCS	Department of Health Care Services
DMH	Department of Mental Health
DSS	Department of Social Services
DVA	Department of Veterans Affairs
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
OHR	Office of Human Resources
PTBC	Physical Therapy Board of California
SLAP & HAD	Speech-Language Pathology and Audiology & Hearing Aide Dispensers Board

Codes

BPC, B&P	Business and Professions Code
CCR	California Code of Regulations
CFR	Code of Federal Regulations
CEC	California Education Code
CGC	California Government Code
HSC	Health and Safety Code
WIC	Welfare and Institutions Code

Organizations

ACOTE	Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association
APTA	American Physical Therapy Association
AOTA	American Occupational Therapy Association
ASHA	American Speech-Language-Hearing Association
ASHT	American Society of Hand Therapists
CAMFT	California Association of Marriage & Family Therapists
CLEAR	Council on Licensure, Enforcement and Regulation
CPIL	Center for Public Interest Law
CPTA	California Physical Therapy Association
FARB	Federation of Associations of Regulatory Boards
HTCC	Hand Therapy Certification Commission
NBCOT	National Board for Certification in Occupational Therapy
NCART	National Coalition of Assistive Rehabilitation Technology
NRTCC	National Rehabilitation Technology Certification Commission
OTAC	Occupational Therapy Association of California
POTAC	Psychiatric Occupational Therapy Association of California
RESNA	Rehabilitation Engineering Society of North America
WFOT	World Federation of Occupational Therapy

Titles

AG	Attorney General
ALJ	Administrative Law Judge
CHT	Certified Hand Therapist
COTA	Occupational Therapy Assistant Certified by NBCOT
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer
OT	Occupational Therapist
OTA	Occupational Therapy Assistant
OTR	Occupational Therapist Registered with NBCOT
SDAG	Supervising Deputy Attorney General

Chapter 2. Board Responsibilities

Composition

B&P § 2570.19

Revised – November 7, 2013

The Board is composed of seven members:

- Four licensed members, including three occupational therapists and one occupational therapy assistant
- Three public members

The Governor appoints the four licensed members and one of the public members. One public member is appointed by the Assembly Speaker, and one public member is appointed by the Senate Rules Committee. Board members may serve up to two consecutive four-year terms.

Officers

Board Policy – February 21, 2008

Revised December 1, 2011

Revised November 7, 2013

The Board shall elect from its members a President, Vice President, and a Secretary to hold office for one calendar year or until their successors are duly elected.

Elections shall take place at the last meeting of the Board held annually. New officers shall assume office January 1st of the next calendar year following the Officer elections. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a Board member.

If any office of the Board becomes vacant, an election shall be held at the next scheduled Board meeting. Elected officers shall then serve the remainder of the term.

Meetings

B&P § 2570.19

The Board will meet a minimum of three times a year and may meet more often as it determines necessary.

The Board will hold meetings in the cities of Sacramento, Los Angeles, and San Francisco and different geographic areas throughout the state as a convenience to the public and licensees.

Quorum

Common Law

Four members of the Board constitute a quorum of the Board for the transaction of business. (A majority of the statutory number of members, BPC 2570.19, not a majority of the appointees.)

Notice of Meetings

Gov. Code § 11120 et seq.

Notice shall be given and also made available on the Internet at least 10 days in advance of the meetings and shall include the name, address, and telephone number of the staff person who can provide further information prior to the meeting but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the internet site where the notice required by this article is made available.

Agenda Items

Board Policy – February 21, 2008

Any Board member may submit items for a Board meeting agenda to the Board President or Executive Officer. Items shall be requested during a Board meeting or at least 21 days prior to the meeting.

At the President's discretion, agenda items may be taken out of order for convenience, to accommodate speakers, or to maintain a quorum, unless the agenda item is specified at a time certain.

The Board meeting agenda package will be sent to Board members prior to the meeting.

Record of Meetings

Revised December 1, 2011

The minutes are a summary, not a transcript, of each Board meeting. Draft meeting minutes will be included in meeting materials.

The minutes shall be prepared by Board staff and serve as the official record of the meeting. The minutes shall reflect how each member voted on each action, and the outcome of each action

Approved minutes of the open session are available for distribution to the public and will be posted on the Board's website.

Recording

Board Policy – February 21, 2008

Gov. Code § 11124.1(b)

Public Board meetings will be recorded subject to supportive technology being available at site and barring technical difficulty. Recordings shall be retained until the minutes are adopted; the recordings shall then be destroyed.

The meeting will be Webcast, subject to availability of DCA staff and supportive technology available at site and barring technical difficulty. The Webcast/link will be posted on the board's website within three weeks of the meeting and kept for 10 years or more.

Meeting Rules

Board Policy – February 21, 2008

Board meetings will be conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act or any other section of law.

This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the agenda contains matters that are appropriate for closed sessions, the agenda must cite the statutory section and subdivision authorizing the closed session.

Informal discussions of board business among members outside of noticed meetings may be a violation of the Bagley-Keene Open Meeting Act if three or more members get involved in the discussion at any time.

Public Comment

Board Policy – May 8, 2013

Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any information from a member of the public regarding any matter that is currently under or subject to investigation or involves a pending criminal or administrative action.

1. If during a Board meeting, a person attempts to provide the Board with information regarding matters that are currently under or subject to investigation or involve a pending administrative criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information, and the person shall be instructed to refrain from making such comments.
2. At the direction of the Board President or Chair of the Committee, speakers may be limited in the amount of time to present to give an adequate time to everyone who wants to speak. In the event there are numerous people wishing to address the Board on the same item, the Board President or Chair of the Committee can request the individuals to identify themselves, the organization they represent, if applicable, and whether they support or oppose the proposed action.

Communication

Board Policy – February 21, 2008

The Board President, his/her designee or the Executive Officer shall serve as spokesperson to the media on Board actions or policies.

Any written or oral communications concerning Board matters of a sensitive nature shall be made only by the Board President, his/her designee or the Executive Officer.

Staff shall provide Board members with updated Committee and Board member contact information as needed.

Communication with Interested Parties

Board Members are required to disclose at Board Meetings all discussions and communications with interested parties regarding any item pending before the Board. The Board meeting minutes shall reflect the items disclosed by the Board Member.

Ex Parte Communications

Gov. Code § 111430.10 et seq

The Government Code contains provisions prohibiting *ex parte* communications. An ‘*ex parte*’ communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be not communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative or if an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom a disciplinary action being taken, will attempt to directly contact Board Members.

If the communication is written, the member should read only enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, he or she should reseal the documents and send them to the Executive Officer or forward the email.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person that he or she cannot speak to him or her about the matter. If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse himself or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the Board’s assigned attorney or Executive Officer.

Correspondence

Board Policy – February 21, 2008

Originals of all correspondence received shall be maintained in the Board’s office files consistent with the record retention schedule. Only copies of such correspondence shall be given to the Executive Officer and/or Board members as required and consistent with DCA policy.

Executive Officer Evaluation

Gov. Code § 11126(a)

Board Policy – February 21, 2008

B&P § 107

Board members shall evaluate the performance of the Executive Officer on an annual basis.

Each Board Member shall provide input to the Board President regarding the performance appraisal and salary administration of the Executive Officer.

The performance appraisal of the Executive Officer shall be prepared by the Board (on the DCA appraisal form) and presented by the Board President at the annual election meeting, consistent with DCA policy.

Board Member Training

Board Policy – February 21, 2008

BPC § 453

Gov. Code § 11146

Gov. Code § 12950.1

Upon initial appointment, Board Members will be given an overview of Board operations, policies, and procedures by the Executive Officer.

New and continuing Board members shall complete training in accordance with the law and DCA procedures. The Executive Officer shall ensure compliance by annually reviewing the training completed by Board members.

Required training topics include, at a minimum:

- Diversity
- Ethics
- Sexual Harassment Prevention
- Privacy Protection/Identity Theft, and
- Board Member Orientation

Every newly appointed Board Member shall, within one year of assuming office and upon re-appointment, complete a training and orientation program offered by the Department of Consumer Affairs. This training is in addition to the Board orientation given by Board staff.

All Board Members are required to file an annual Form 700, Statement of Economic Interests upon assuming and leaving office, and annually, due April 1st of each year. Members must also complete an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials.

The Government Code requires completion of this ethics orientation within the first six months of appointment and completion of a refresher course every two years thereafter.

For further information regarding filing requirements or to ask questions of the Fair Political Practices Commission (FPPC) staff, go to the FPPC's website at <http://www.fppc.ca.gov>, or call 866-275-3772.

Government Code Section 12950.1 and DCA policy requires supervisors, including Board Members, to complete two hours of sexual harassment prevention training every two years.

Chapter 3. Board Members

Board Administration

Board Policy – February 21, 2008

Revised – December 1, 2011

Board members represent the State of California and although he/she is an individual member, members have an obligation to represent the Board as a body. Each member should carefully consider each responsibility and time commitment prior to agreeing to become a Board Member.

Attending meetings

Attend all meetings; be prepared for all meetings by reviewing and analyzing Board materials; actively participate in meeting discussions; serve on committees of the Board to provide expertise in matters related to the Board.

If a member is unable to attend, he or she is requested to promptly contact the Executive Officer, to address quorum issues.

Consider Disciplinary Matters

Review and analyze all materials pertaining to disciplinary matters and provide a fair, unbiased decision; respond timely to every request for a decision on any disciplinary matter; review and understand the Board's disciplinary guidelines; regularly review and amend the Board's disciplinary guidelines to align with the policies set by the Board.

Policy Decision Making

Make educated policy decisions based upon both qualitative and quantitative data; obtain sufficient background information on issues upon which decisions are being made; seek information from Board staff regarding the functions/duties/requirements for the licensees being overseen; allow time for sufficient discussion at Board or Committee meetings, delegating when necessary; allow public participation and comment regarding matters prior to making decisions; ensure public protection is the highest priority in all decision making.

Governance

Monitor key and summary data from the Board's programs to evaluate whether business processes are efficient and effective; obtain training on issues pertaining to the Board (e.g. budget process, legislative process, enforcement process; licensing process, etc.); make recommendations regarding improvements to the Board's mandated functions. Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board Members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer. Board Members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

Business Cards

Business Cards will be provided to each Board Member with the Board's name, address, telephone and fax numbers, and website address.

Board Member Attendance at Board Meetings

BPC § 106

Board members shall attend or participate at each meeting of the Board. If a member is unable to attend or participate, he or she must contact the Executive Officer in order to avoid any quorum issues. The Executive Officer shall notify the Board President of reported absences. Board members shall attend the entire meeting and allow sufficient time to conduct all Board business at each meeting.

Public Attendance at Board Meetings

Meetings are subject to all provisions of the Bagley-Keene Open Meetings Act. This Act governs meetings of state regulatory boards and meetings of committees of those boards where the committee consists of more than two Members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the agenda contains matters that are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

General Rules of Conduct

- Board members shall not speak to interested parties (such as vendors, lobbyists, legislators, or other governmental entities) on behalf of the Board or act for the Board without authorization from the Board.
- Board members shall commit time, actively participate in Board activities, and prepare for Board meetings, which includes reading Board packets, and all required legal documents.
- Board members shall respect and recognize the equal role and responsibilities of all Board members, whether public or licensees.
- Board members' actions shall uphold the board's primary mission – protection of the public.
- Board members shall speak when recognized by the Board's President.
- Board members shall act fairly and, in a nonpartisan, impartial, and unbiased manner
- Board members shall maintain the confidentiality of confidential documents and information.
- Board members shall not use their positions on the Board for political, familial, or financial gain.
- Board members shall treat all applicants and licensees in a fair and impartial manner.

Board Member Disciplinary Actions

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice President of the Board shall preside. In accordance with the Open Meeting Act, the censure hearing shall be conducted in open session.

Removal of Board Members

BPC § 106

The Governor has the power to remove from office, at any time, any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct or unexcused absence from meetings.

Resignation of Board Members

Gov. Code § 1750

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senates Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of the resignation letter shall also be sent to the Director of the Department of Consumer Affairs, the Board President, and the Executive Officer.

Conflict of Interest

Gov. Code § 87100

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board Member who has a financial interest shall disqualify himself or herself from making or attempting to use his or her official position to influence the decision.

Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately review the Fair Political Practice Committee website, consult the Executive Officer or DCA legal counsel.

Board Members shall refrain from attempting to influence staff regarding applications for licensure or potential disciplinary matters.

Strategic Planning

Board members shall participate in the drafting and approval of a Strategic Plan; oversee the Strategic Plan on a quarterly basis to ensure activities are being implemented and performed; monitor any new tasks/projects to ensure they are in-line with the Strategic Plan.

Chapter 4. Roles of Board Officers

Board Policy – February 21, 2008

Revised - December 1, 2011

Revised – November 7, 2013

The duties of the Board's Officers include, but are not limited to:

President

The "Board President" means the President or President's designee.

The President shall:

- Chair and facilitate Board Meetings
- Serve as spokesperson for the Board – may attend legislative hearings and testify on behalf of the Board, may attend meetings with stakeholders and Legislators on behalf of the Board, may talk to the press on behalf of the Board, and sign letters on behalf of the Board
- Meet and communicate with the Executive Officer on a regular basis
- Communicate with other Board Members for Board business
- Author a president's message in the Board's newsletter
- Approve Board Meeting agendas
- Chair the Administrative Committee, and
- Sign full board-approved disciplinary orders.

Vice President

The Vice President shall:

- Serve as the back-up for the duties above in the President's absence, and is a member of the Administrative Committee.

Secretary

The Secretary shall:

- Be responsible for taking roll and taking roll call vote when necessary.

Supervision of Executive Officer

Board Policy – February 21, 2008

DCA OHR Memo - July 2013

Revised - December 1, 2011

The President is the immediate supervisor of the Executive Officer. Specific instructions for work on Board policy matters by the Executive Officer from board members shall be coordinated through the Board President.

The incoming Board President shall assume all duties at the next meeting, including the supervision of the Executive Officer.

Performance Appraisal of Executive Officer

Gov. Code § 11126(a); B&P § 107

Board Policy – February 21, 2008

Revised - December 1, 2011

The incoming Board President shall assume all duties January 1st of the next calendar year following the Officer elections, including supervision of the Executive Officer, unless the actual vote indicates otherwise.

The Board President may consult with DCA's Office of Human Resources (OHR) for assistance with the evaluation and to assist with obtaining salary approval from the Department of Human Resources.

The Board President shall request from each Board Member input to the performance appraisal and consult with OHR regarding salary administration of the Executive Officer prior to his/her draft preparations.

The performance appraisal of the Executive Officer shall be discussed by the Board at the last meeting of the Board held annually.

Matters relating to the performance of the Executive Officer shall be discussed in closed session unless he or she requests that it be discussed in open session.

The performance evaluation shall be presented by the Board President to the Executive Officer within 30 days of the evaluation process.

Chapter 5. Executive Officer

Appointment

B&P § 2570.21

The Board appoints an Executive Officer who serves at the pleasure of the Board. The Executive Officer may be terminated at any time for any reason whatsoever, with or without good cause, and notwithstanding any representation to the contrary by any individual board member.

Role

16 CCR § 4101

Board Policy – February 21, 2008

The Executive Officer is the Board's chief administrative officer. He or she shall implement the policies developed by the Board.

Recruitment

Board Policy – February 21, 2008

Revised - December 1, 2011

The Board shall institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It shall also utilize proven equal employment opportunity and personnel recruitment procedures. The Board shall also work with the Department of Consumer Affairs' OHR and Deputy Director for Board relations in its recruitment process.

Selection

Board Policy – February 21, 2008

Gov. Code § 11125

A qualified candidate for Executive Officer must demonstrate abilities that include the supervision of employees, conflict resolution and complaint mediation, public speaking and effective written and verbal communication skills. The candidate must have knowledge and expertise in the areas of administration, licensing, enforcement, legislation and budget.

The selection of a new Executive Officer shall be included as an item of business, which must be included in a written agenda and transacted at a public meeting.

Board Staff

Board Policy – February 21, 2008

The Board delegates all authority and responsibility for management of the civil service staff to the Executive Officer, including the annual evaluation and appraisal process.

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, and conditions of employment are governed by many civil service laws, regulations and collective bargaining agreements. Because of this complexity, it is appropriate for the Board to delegate all authority and responsibility for management of the civil services staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day management or oversight of Board staff.

Chapter 6. Committees

Standing Committees

Board Policy – February 21, 2008

Revised - September 16, 2013

The Board has four standing committees subject to the Open Meetings Act:

- Administrative Committee
- Education and Outreach Committee
- Legislative and Regulatory Affairs Committee
- Practice Committee

Internal organization of each committee is at its discretion, except as specified in this manual, and must be approved by the Board. Each committee shall be chaired by a member of the Board. The Committee Chairperson will oversee the meetings and work with the Executive Officer to develop agenda packet materials. Meetings must be consistent with the Bagley-Keene Open Meeting Act. The Board member will be responsible for providing the Committee report at the Board meeting.

Member terms will be two years, and members will serve a maximum of two full, consecutive terms. Meetings will be held two or three times per year or as needed to conduct business. All committee meetings will be noticed and conducted as required by the Bagley-Keene Open Meeting Act. Non-Board Member committee members shall be entitled to reimbursement of travel expenses but shall not receive any compensation.

Committee Chair

A Committee Chairperson shall:

- Approve the committee meeting agendas
- Chair and facilitate all committee meetings, and
- Report to the Board all committee meeting outcomes.

Administrative Committee

Board Policy – February 21, 2008

Revised - December 1, 2011

Revised - November 14, 2024

The Administrative Committee consists of the President, Vice President, and the Executive Officer.

Meetings shall be held two or three times per year or as needed.

The purpose of the Administrative Committee is to provide guidance to staff for the budgeting and operational issues of the Board, including but not limited to budget change proposals, meeting agendas and materials preparation, Sunset Review and State Leadership Accountability Act reports and related projects; to provide suggestions regarding the Board's Strategic Plan; to review legislative position letters on behalf of the Board for approval and submission; and to perform other administrative duties as required.

Members of this committee are not subject to the maximum terms specified above.

Education and Outreach Committee

Board Policy – February 21, 2008

Revised - September 16, 2013

Revised - August 22, 2024

The Education and Outreach Committee will consist of a minimum of four members, 75% of which shall be licensees and at least one of whom shall be a Board member. The remainder of the committee may be Public Members.

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

Legislative/Regulatory Affairs Committee

Board Policy – February 21, 2008

Revised - September 16, 2013

Revised - August 22, 2024

The Legislative/Regulatory Affairs Committee will consist of a minimum of four members, 75% of which shall be licensees and at least one of whom shall be a Board member. The remainder of the committee may be public members.

The purpose of the Legislative/Regulatory Affairs Committee is to provide information and/or make recommendations to the Board and Committees of the Board on matters relating to legislation and regulations.

The classification system to be used by the Committee on recommendations to the Board on proposed legislation is:

Support:

The Board supports the current version of the bill. This designation commits the Board to full involvement in the legislative process including sending letters to key people, conferring with key people prior to committee hearings and testifying at hearings by Board members, legislative committee members or senior staff.

Support, if Amended:

The Board generally supports the concept or intent of the bill. Technical flaws need to be corrected before the Board will fully support the bill. The Board identifies the amendments or requirements that must be met in order for support to be obtained. If the requested amendments or requirements are accepted, the Board's position will change to support. This designation commits the Board to full involvement in the legislative process as noted above.

Oppose:

The Board is opposed to the current version of the bill. This designation commits the Board to involvement in the legislative process as noted above.

Oppose Unless Amended:

The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board's concerns. The Board identifies the amendments or requirements that must be met to remove the Board's opposition. If the requested amendments or requirements are accepted, the Board will adopt a support position.

Neutral:

The Board takes no official position

Watch:

The Board has some interest in the bill because it potentially may affect the work of the Board. This designation requires careful tracking through the legislative process.

Practice Committee

Board Policy – February 21, 2008

Revised - September 16, 2013

Revised - August 22, 2024

The Practice Committee will consist of a minimum of four members, 75% of which shall be licensees and at least one of whom shall be a Board member. The remainder of the committee may be Public Members.

The purpose of the Practice Committee is to review and provide recommended responses to the Board on various practice issues/questions submitted by licensees and consumers; provide guidance to staff on continuing competency audits; review and provide recommendations to the Board on practice-related proposed regulatory amendments; and review and provide recommendations to Board staff on revisions to various applications and forms used by the Board.

Ad Hoc Committees

Board Policy – February 21, 2008

Revised - September 16, 2013

The Board may establish ad hoc committees as needed for the Board and its standing Committees. Ad-Hoc committee meetings are subject to the Open Meeting Act.

Chapter 7. Committee Meeting Procedures

Advisory Capacity

Board Policy – February 21, 2008

Revised - December 1, 2011

Committee recommendations and reports shall be submitted to the Board in a timely manner for consideration and possible action.

Agendas

Board Policy – February 21, 2008

Agendas shall focus on the specific tasks assigned by the Board and include:

- Public comment
- Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment.

Committee chairs shall confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview. All Committee meeting agendas shall contain the statement: "A quorum of the Board may be present at the committee meeting. Board members who are not members of the committee may observe, but not participate or vote."

Appointments

Board Policy – February 21, 2008

Revised - December 1, 2011

Revised - August 22, 2024

At the last meeting before the end of the fiscal year, standing committees shall make recommendations for possible members.

The Board President shall appoint licensees and public members, which includes retired licensees, students, health care licensees, or other professionals with experience relevant to the committee's purpose, to fill vacancies on each standing committee and appoint members to ad hoc committees.

Attendance at Committee Meetings

Board Policy – February 21, 2008

Revised - December 1, 2011

Board members who are not members of the committee may attend a committee meeting and observe, but not participate or vote.

It is required that non-Committee Board members sit in the audience and not participate in the meeting discussion.

Dual Membership

Board Policy – February 21, 2008

A non-Board member cannot serve concurrently on more than two committees.

Meeting Rules

Board Policy – February 21, 2008

Meetings will be conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act or any other section of law.

Record of Meetings

Board Policy – February 21, 2008

Gov. Code § 111255 (d)

The minutes are a summary, not a transcript of each committee meeting. The minutes shall be prepared by Board staff and shall serve as the official record of the meeting. The Committee's recommendations and meeting materials shall be presented at the next scheduled Board meeting.

Approved minutes of the committee meeting are available to the public and shall be posted on the Board's website.

Recruitment

Board Policy – February 21, 2008

The Board shall actively recruit interested persons to serve on appropriate committees when vacancies exist.

Reimbursement of Travel-related Expenses

Board Policy – February 21, 2008

Consistent with the State Guidelines, Committee members are entitled to be reimbursed for travel-related expenses to attend Committee meetings.

Residence Requirement

Board Policy – February 21, 2008

A member of a standing advisory committee must be a California resident.

Staff Participation

Board Policy – February 21, 2008

Board staff provides advice, consultation and support to committees.

Recording

Gov. Code § 11124.1

Board Policy – February 21, 2008

Committee meetings will be recorded and/or webcast subject to supporting technology and barring technical difficulty. Recordings shall be retained until the minutes are adopted; the tape(s) shall then be destroyed.

Chapter 8. Committee Members

Minimum Qualifications

Board Policy – February 21, 2008

Revised – May 21, 2021

Revised - February 9, 2023

Revised - August 22, 2024

Any individual who wants to be considered for appointment to a standing or ad hoc committee must provide a curriculum vitae or resume for the Board's review and meet the criteria specified.

Licensee criteria to serve on a committee

The minimum qualifications for a non-Board member licensee to participate on a committee are:

- Three years of professional experience.
- An occupational therapist or occupational therapy assistant holding a current, active and unrestricted license.
- No pending, current or prior disciplinary action.
- No pending criminal charges.

Public member criteria to serve on a committee

Public members may include retired licensees, students, health care licensees, or other professionals with experience relevant to the committee's purpose, and meet the minimum qualifications specified.

- An occupational therapist or occupational therapy assistant whose license was placed on retired status within five years of holding an active license and no pending criminal charges.
- An occupational therapist student or an occupational therapy assistant student who has:
 - Completed one calendar year in a California occupational therapy education program.
 - Have a letter of support from the occupational therapy education program director or fieldwork educator.
 - No pending, current, or prior disciplinary action of any license or certification issued by the State of California or any other profession.
 - No pending criminal charges in any state.
- Health care licensees must hold a current, active, and unrestricted license, and have:
 - Three years of professional experience.
 - No pending, current, or prior disciplinary action of any license or certification.
- No pending criminal charges. Other non-licensed professionals with three years of professional experience relevant to the committee and no pending criminal charges.

Chapter 9. Travel Policies, Procedures, and Per Diem

Travel Approval

Board Policy – February 21, 2008

Revised - December 1, 2011

Revised - February 7, 2019

Board members shall have the Board President's approval for all travel except for regularly scheduled Board and Committee meetings to which the Board member is assigned.

Arrangements for Board and Committee member travel are made by the Board's staff.

If a conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no per diem or reimbursement for travel-related expenses and the individual may not represent the Board.

Claims for Reimbursement of Travel-Related Expenses

Board Policy – February 21, 2008

Board members shall have the Board President's approval for all travel except for regularly scheduled Board and Committee meetings to which the Board member is assigned, subject to DCA policy.

The California Department of Human Resources, the Department of Consumer Affairs, and the State Administrative Manual set for the rules governing reimbursement of travel expenses for Board members. All expenses shall be claimed on the appropriate travel expense claims forms. Board staff shall maintain these forms and complete them as needed. Board Members should submit their travel expense forms immediately after returning from a trip and no later than two weeks following the trip.

For the expenses to be reimbursed, Board Members shall follow the procedures contained in DCA Departmental Memoranda, which are periodically disseminated by the Executive Officer and are provided to Board Members.

Per Diem

B&P § 103

Board Policy – February 21, 2008

Revised - December 1, 2011

Revised - February 7, 2019

Revised - May 10, 2019

Revised - May 21, 2021

Revised - November 4, 2021

Business and Professions Code Section 103 regulates compensation in the form of per diem salary and reimbursement of travel and other related expenses for Board members. In relevant part, this section provides for the payment of per diem salary for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Business and Professions Code Section 103 also states:

“Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.”

Accordingly, the following general guidelines shall be adhered to in the payment of per diem salary, or reimbursement for travel:

1. Board members shall be paid per diem salary for attendance at official Board and Committee meetings of which they are members. Per diem salary shall be paid for time spent preparing for Board or Committee meetings, including reading the meeting materials and reviewing enforcement cases.

Board members cannot claim per diem salary for time spent traveling to and from a Board or Committee meeting.

Where it is necessary for a Board member to leave early from a meeting, the Board President and Executive Officer, or designee, shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

2. Board members shall be paid per diem salary for attendance at education and outreach events, or other events including but not limited to hearings, conferences or meetings other than official Board or Committee meetings that are approved in advance by the Board President and Executive Officer, or designee and consistent with a “substantial service”. The Executive Officer shall be notified of the event prior to the Board member’s attendance. Board members will be compensated for actual time spent attending events other than official Board or Committee meetings, and preparation time for said events, based on submission of an approved attendance form.
3. For Board-specified work and performance of state roles or additional assigned duties, Board members will be compensated for actual time spent performing work authorized by the Board President based on submission of an approved attendance form. That work includes, but is not limited to, authorized attendance at events, meetings, hearings, or conferences, and enforcement case review. Members must submit timesheet summary forms for actual work performed outside a Board meeting in order to be compensated.
4. Per diem salary shall be submitted to the Executive Officer, or designee, and forwarded to the Board President. Per diem shall be paid upon evidencing six (6) hours of actual time spent. Hours may be accumulated for Board-specified assignments to meet this requirement. Upon President approval, the EO, or designee, shall process per diem request for payment.
5. At the meeting of the Board immediately following the close of the fiscal year, the Executive Officer shall report all per diem reimbursement and travel expenses claimed by each member of the board.

Chapter 10. Security Procedures

Request for Records Access

Board Policy – February 21, 2008

No Board member may access a licensee's or applicant's file without the Executive Officer's knowledge and approval of the conditions of access except as consistent with the Public Records Act, Information Practices Act, and other relevant sections of law. A notation of the Board member's access to the record shall be entered in the file. Records or copies of records shall not be removed from the Board's office.

The Executive Officer shall report to the Board at the next regularly scheduled Board meeting of the Board member's access to official board records.

Contact with Applicants, Licensees, Complainants, and Respondents

Board Policy – February 21, 2008

Board members shall not intervene on behalf of an applicant, licensee, or complainant for any reason. They shall forward all contacts or inquiries to the Executive Officer or Board staff.

Board members shall not directly participate in complaint handling and resolution or investigations. If a Board member is contacted by a respondent or his/her attorney, he/she shall refer the individual to the Executive Officer or Board staff.

Chapter 11. Affiliation with the Department of Consumer Affairs (DCA)

Overview of DCA

B&P § 127

Board Policy – February 21, 2008

The Department of Consumer Affairs (DCA) is mandated to protect and serve California consumers while ensuring a competent and fair marketplace. DCA helps consumers learn how to protect themselves from unscrupulous and unqualified individuals. The Department also protects professionals from unfair competition by unlicensed practitioners.

The Department of Consumer Affairs includes many regulatory entities which establish minimum qualifications and levels of competency for licensure. They also license, register, or certify practitioners, investigate complaints and discipline violators. The committees, commission and boards are semiautonomous bodies whose members are appointed by the Governor and the Legislature. DCA provides them administrative support. DCA's operations are funded exclusively by license fees.

Pursuant to B&P Code Section 127 the director may require reports from any board, commission, examining committee, or other similarly constituted agency within the department as deemed reasonably necessary on any phase of their Board operations.

Chapter 12. Affiliation with Other Organizations

AOTA

Board Policy – February 21, 2008

The Board shall maintain a working relationship with the American Occupational Therapy Association (AOTA). The President, President's designee, and/or Executive Officer may represent the Board at AOTA's Annual Conference. If AOTA's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no per diem or reimbursement for travel-related expenses.

CLEAR

Board Policy – February 21, 2008

The Board shall maintain a working relationship with the Council on Licensure, Enforcement and Regulation (CLEAR). If CLEAR's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no per diem or reimbursement for travel-related expenses.

NBCOT

Board Policy – February 21, 2008

Revised November 7, 2013

The Board shall maintain a working relationship with the National Board for Certification in Occupational Therapy (NBCOT). If NBCOT's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no per diem or reimbursement for travel-related expenses.

OTAC

Board Policy – February 21, 2008

The Board shall maintain a working relationship with the Occupational Therapy Association of California (OTAC). The Board may ensure representation by attending OTAC Annual Conference, Spring Symposium, and other events as operationally practicable.

Chapter 13. Other Information

Disciplinary Actions

B&P § 27

Board Policy – February 21, 2008

All final decisions by the Board following formal disciplinary proceedings of alleged violations of the Act shall be published on the Board's website after the effective date of the decision .

Conclusion

This Board Member Guidelines and Procedures Manual serves as reference for important laws, regulations, Department of Consumer Affairs' policies and Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

References

The procedures in this manual are specific to the Board. Suggested references for additional important information are:

- Board Member Orientation and Reference Manual, DCA
- Business and Professions Code, sections 103, 106, 106.5, 2570-2571, 17500
- Title 16, California Code of Regulations, sections 4100-4184
- California Government Code, sections 1750, 11120 et seq., 11146 et seq.
- State Administrative Manual, section 700 et seq.

Attachment(s)

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY MEMBER EXPENSE
REPORT

MONTH: _____ YEAR: _____

• TRAVEL EXPENSES •

Car License #: _____

DATE (Each Line = a Day)	TIME DEPARTED	TIME RETURNED	DESTINATION/PURPOSE	MEAL EXPENSES			LODGING EXPENSES	PRIVATE CAR MILEAGE	PARKING EXPENSES
				Breakfast \$13.00	Lunch \$15.00	Dinner \$26.00			

• PER DIEM •

DATE	DESCRIPTION OF SERVICE/WORK	TIME/HOURS	DATE	DESCRIPTION OF SERVICE/WORK	TIME/HOURS

I certify that on the above dates, I was engaged in performing the above duties and that no part of the claim has been paid and that services herein rendered were in accordance with all applicable laws, rules, and regulations for which reimbursement or per diem is claimed.

Signature: _____

Date: _____

Approved By: _____

Date: _____

Airline Expense(s):

The Department of Consumers Affairs will not process Travel Expense Claims without a receipt or an itinerary. For your convenience, staff will print this for you.

Meal Expense(s):

Maximum reimbursement amounts are listed. Receipts are required and must be submitted.

Lodging Expense(s):

A paid in full receipt is required for reimbursement.

Private Car Mileage:

For State business conducted using your personal vehicle, your mileage reimbursement will be consistent with the rate set by CalHR.

Parking Expense(s):

Receipts are required for parking expenses exceeding \$10.00. If the parking receipt is lost and the total exceeds \$10.00, only \$10.00 will be reimbursed. The least expensive parking rate available will be reimbursed.

Rental Car, Taxi, Shuttle:

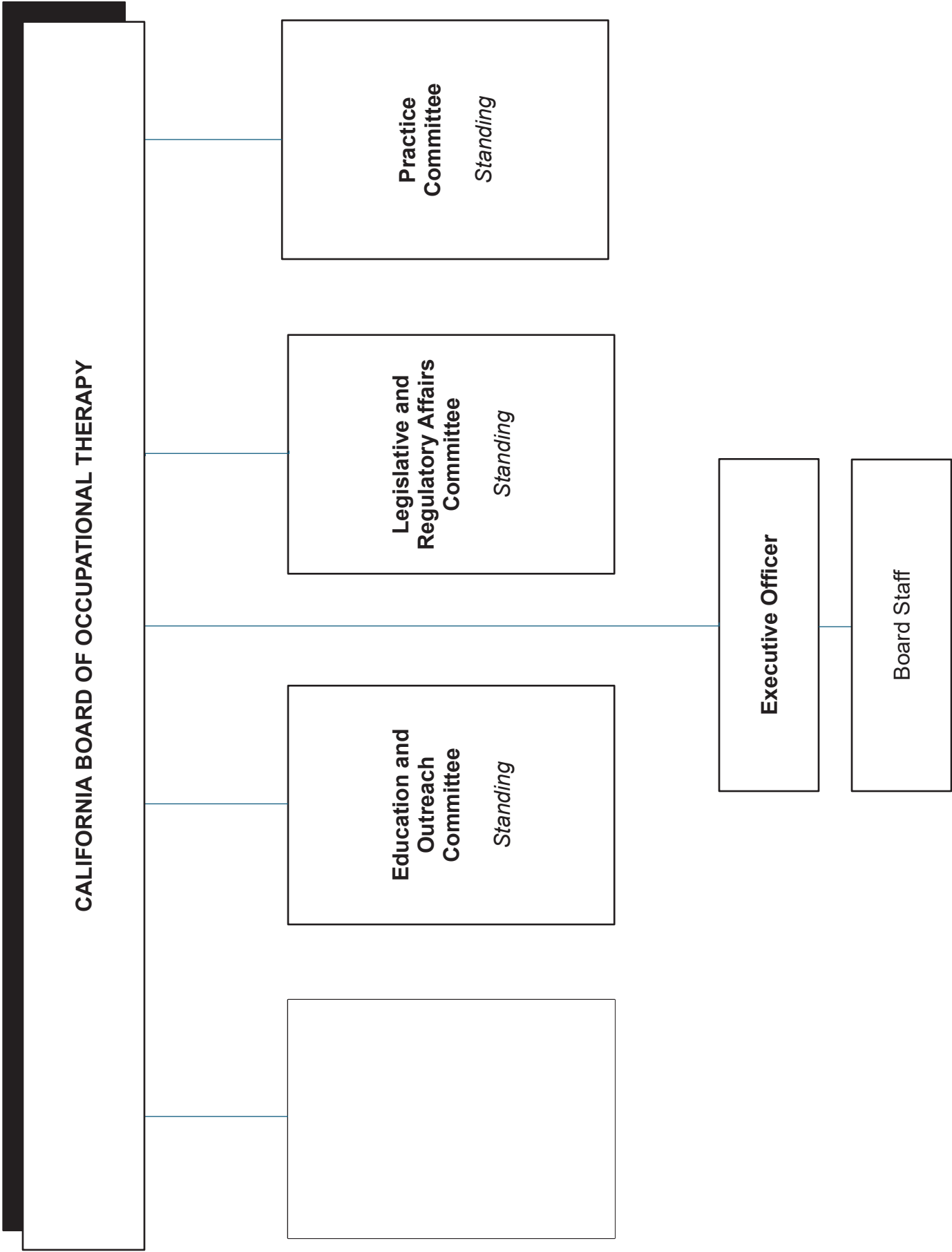
All receipts are required for reimbursement. Reimbursement via a Travel Expense Claim form requires paid in full receipts.

ATTACHMENT B

CURRENT ORGANIZATIONAL CHART SHOWING RELATIONSHIP OF COMMITTEES TO THE BOARD AND MEMBERSHIP OF EACH COMMITTEE

(CF., SECTION 1, QUESTION 1)





CBOT STANDING COMMITTEE ROSTERS

Administrative Committee

Beata Morcos, Board President, Committee Chair

Christine Wietlisbach, Board Vice President

Austin Porter, Executive Officer

Education and Outreach Committee

Beata Morcos, Board President, Committee Chair

Candace Chatman

Penny Stack

Vacant Seat

Legislative and Regulatory Affairs Committee

Christine Wietlisbach, Board Vice President, Committee Chair

Kersten Laughlin

Vacant Seat

Vacant Seat

Practice Committee

Christine Wietlisbach, Board Vice President, Committee Chair

Ada Boone Hoerl, Board Secretary

Lynne Andonian

Richard Bookwalter

Robert Candari

Ernie Escovedo

Mary Kay Gallagher

Heather Kitching

Diane Laszlo

Danielle Meglio

Jeannette Nakamura

Carlin Daley Reaume

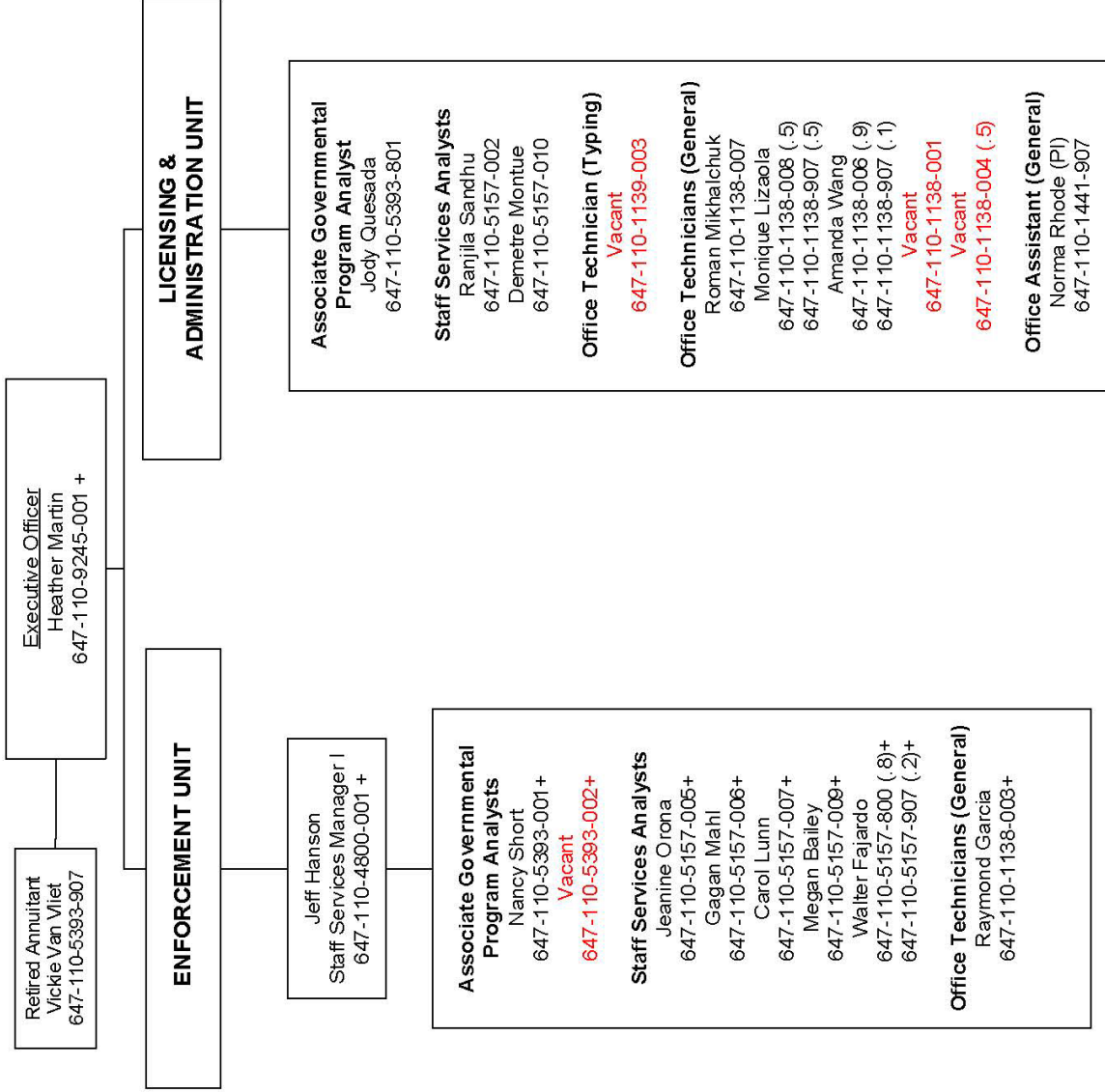
Chi-Kwan Shea

ATTACHMENT C

YEAR-END ORGANIZATION CHARTS FOR LAST FOUR FISCAL YEARS

(CF., SECTION 2, QUESTION 15)

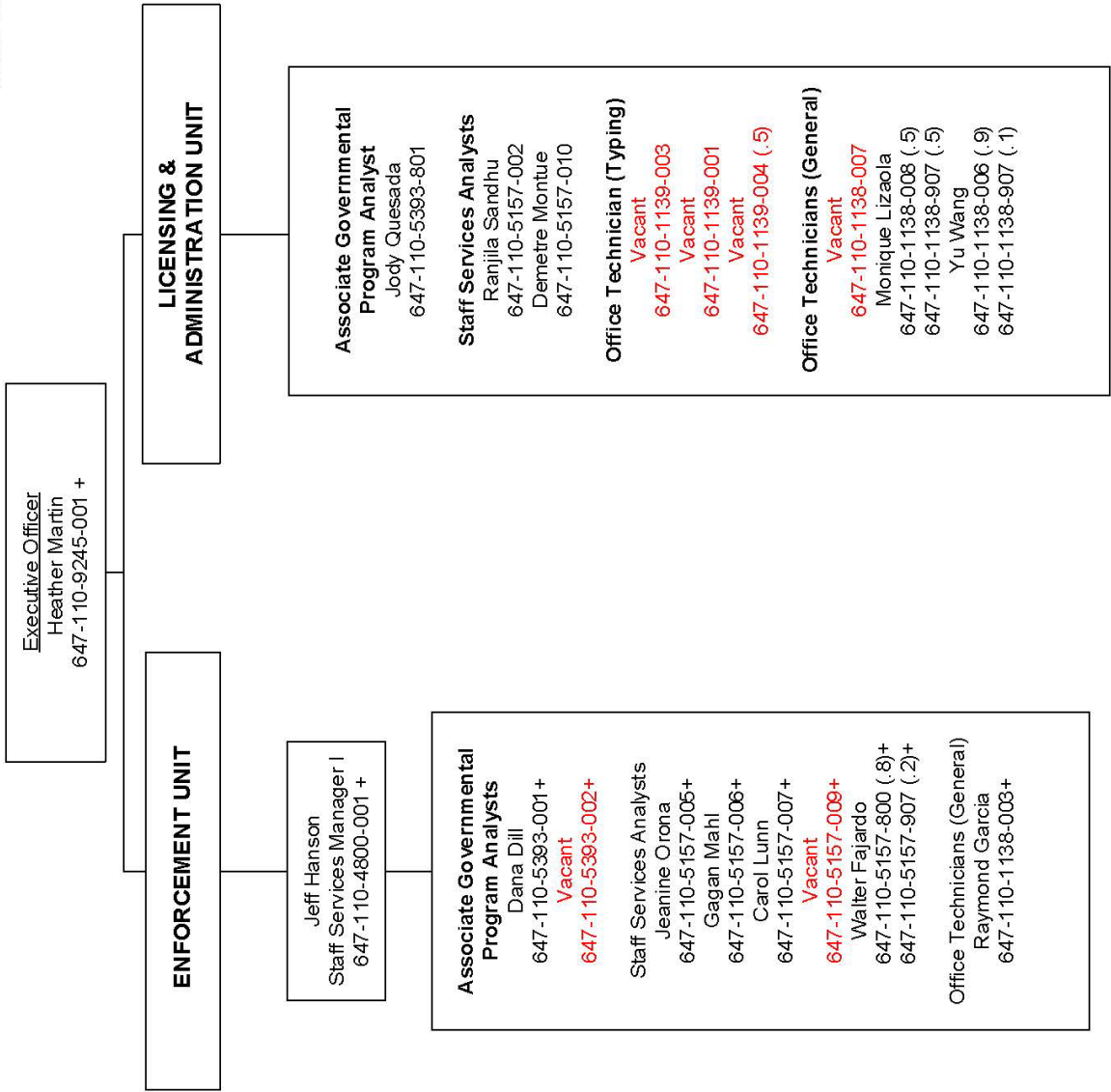




/SIGNATURE ON FILE/

HEATHER MARTIN, Executive Officer

Classification and Recruitment (C&R) Analyst

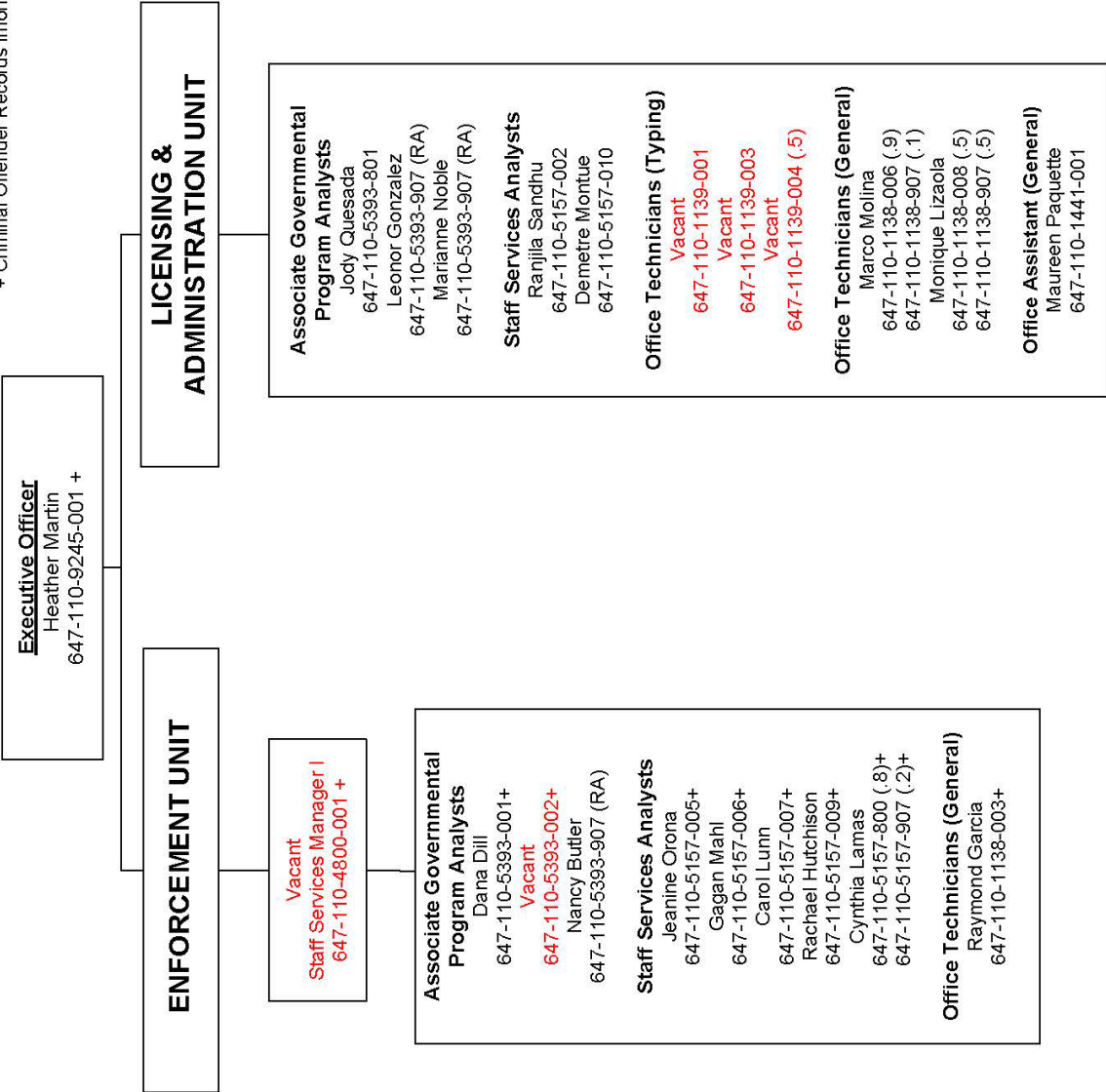


/SIGNATURE ON FILE/

HEATHER MARTIN, Executive Officer

Classification and Recruitment (C&R) Analyst

+ Criminal Offender Records Information



/SIGNATURE ON FILE/
HEATHER MARTIN, Executive Officer

Classification and Recruitment (C&R) Analyst

Department of Consumer Affairs (DCA)
California Board of Occupational Therapy (CBOT)
January 1, 2024

Executive Officer
Heather Martin
647-110-9245-001+

LEGEND

Red: **VACANT**

Green: **Blanket**

RA: Retired Annuitant

+: Designated COR

**: Approval to over-expend blanket to fill FT

CURRENT CBOT STAFFING
FY 2023/2024

Authorized Positions: 17.7
Blanket Positions: 3.0
TOTAL: 20.7

Enforcement Unit

Staff Services Manager I
Rebecca Harris
647-110-4800-001+

Associate Governmental

Program Analyst

Jeanine Orona
647-110-5393-001+
Nancy Butler (RA)
647-110-5393-907+
Rex Cowart (RA)
647-110-5393-907+

Staff Services Analyst

Rosanna Vinson
647-110-5157-005+
Gagan Mahi
647-110-5157-006+
Carol Lunn
647-110-5157-007+
Marco Molina
647-110-5157-009+
Cynthia Lamas(1.0)
647-110-5157-800 (.8)**+

Office Technician (G)

Vacant (R. Garcia)
647-110-1138-003+

Licensing & Administration Unit

Staff Services Manager I
Jody Quesada Novey
647-110-4800-002+

Associate Governmental

Program Analyst

Rachael Hutchison
647-110-5393-801
Leonor Gonzalez (RA)
647-110-5393-907

Staff Services Analyst

Sydney Blonien
647-110-5157-011
Ranjila Sandhu
647-110-5157-002
Demetre Montue
647-110-5157-010

Office Technician (T)

Vacant (BCP)
647-110-1139-001

Office Technician (G)

Vacant
647-110-1138-009 (.5)
Monique Lizaola (1.0)
647-110-1138-008 (.5) **
Maureen Paquette(1.0)
647-110-1138-006 (.9)**

Office Assistant (G)

Vacant (M Paquette)
647-110-1441-001

/SIGNATURE ON FILE/

Executive Officer or Designee

Date

C&R Analyst

Date

DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
January 1, 2025

Legend

Red : Vacant

Green : Blanket

RA : Retired Annuitant

EA : Exceptional Allocation

+ : CORI Designated positions

Current CBOT Staffing

FY 2024-2025

Authorized Positions: 16.7

Blanket Positions: 4.0

Total: 20.7

Executive Officer

Marc Mason

647-110-9245-001 +

Enforcement

Staff Services Manager I

Rachael Hutchison

647-110-4800-001 +

Associate Governmental Program Analysts

Jeanine Orona

647-110-5393-001+

Nancy Butler (RA)

647-110-5393-907+

Jeff Hanson (RA)

647-110-5393-907+

Staff Services Analysts

Rosanna Vinson

647-110-5157-005+

Austin Porter

647-110-5157-006+

Carol Lunn

647-110-5157-007+

Marco Molina

647-110-5157-009+

Cynthia Lamas

647-110-5157-800 (.8)+

Office Technicians (General)

Charlita Scipio

647-110-1138-010+

Licensing & Administration

Staff Services Manager I

Jody Quesada Novey

647-110-4800-002 +

Associate Governmental Program Analysts

Leonor Gonzalez

647-110-5393-907 (RA)

Staff Services Analysts

Ranjila Sandhu

647-110-5157-002

Demetre Montue

647-110-5157-010

Austin Porter

647-110-5157-011+

Karina Clark

647-110-5157-801

Office Technicians (General)

Maureen Paquette

647-110-1138-006 (.9)

Monique Lizaola

647-110-1138-008 (.5)

Sabrina Domingo

647-110-1138-009 (.5)+

Justin Le

647-110-1138-011

/SIGNATURE ON FILE/
Executive Officer

DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
January 1, 2026

Legend

Red : Vacant

Green : Blanket

RA : Retired Annuitant

+: CORI Designated position

Current CBOT Staffing

FY 2025-26

Authorized Positions: 16.7

Blanket Positions: 1

Total: 17.7

Executive Officer
Austin Porter
647-110-9245-001+

Enforcement

Staff Services Manager I
Rachel Hutchison
647-110-4800-001+

Associate Governmental Program Analyst
Jeanine Orona
647-110-5393-001+
Aaron Seawell
647-110-5393-009+

Staff Services Analyst
Rosanna Vinson
647-110-5157-005+
Yvette Maestas
647-110-5157-006+
Carol Lunn
647-110-5157-007+
Cynthia Lamas (1)
647-110-5157-800 (.8)+

Office Technician (General)
Nolan Croisdale
647-110-1138-010+

Licensing & Administration

Staff Services Manager I
Jody Quesada Novey
647-110-4800-002+

Associate Governmental Program Analyst
Leonor Gonzalez (RA)
647-110-5393-907

Staff Services Analyst
Ranjila Sandhu
647-110-5157-002
Demetre Montue
647-110-5157-010
Vacant
647-110-5157-011
Karina Clark
647-110-5157-801

Office Technician (General)
Maureen Paquette (1)
647-110-1138-006 (.9)
Monique Lizaola (1)
647-110-1138-008 (.5)
Sabrina Domingo (1)
647-110-1138-009 (.5)+
Nicolas Vang
647-110-1138-011

/SIGNATURE ON FILE/
Executive Officer

Classification and Recruitment Analyst

ATTACHMENT D

2025-2030 STRATEGIC PLAN





California Board of Occupational Therapy

2025-2030 Strategic Plan

Adopted: March 6, 2025

Prepared by:

SOLID Planning Solutions

Department of Consumer Affairs

Table of Contents

Board Members..... 3

About the Board 4

Message from the President 6

Board Mission, Vision, and Values 7

Goal 1: Licensing..... 8

Goal 2: Enforcement 9

Goal 3: Outreach and Communication 10

Goal 4: Laws and Regulations 11

Goal 5: Organization and Administration Effectiveness 12

Strategic Planning Process..... 13

Board Members

Beata Morcos, President, Public Member

Christine Wietlisbach, Vice President, OT Member

Richard Bookwalter, Secretary, Occupational Therapist (OT) Member

Hector Cabrera, Public Member

Gavin Newsom, Governor

Tomiquia Moss, Secretary, Business, Consumer Services and Housing Agency

Kimberly Kirchmeyer, Director, Department of Consumer Affairs

Austin Porter, Interim Executive Officer, California Board of Occupational Therapy

About the Board

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

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

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

Occupational therapy licensees provide important health, habilitation, and rehabilitation services to people of all ages who, because of illness, injury, or developmental or psychological impairment, need specialized interventions to regain, develop, or build the skills necessary for independent performance of everyday activities (known as 'occupations').

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

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

To accomplish its mission, the Board:

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

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

Message from the President

On behalf of the California Board of Occupational Therapy (CBOT), I am honored for the opportunity to present the 2025-2030 CBOT Strategic Plan. I want to thank everyone involved in the strategic planning development process for their vision, focus, and commitment to the Board's mission – to protect California consumers of occupational therapy services through effective regulation, licensing, and enforcement.

With the help of SOLID Planning, board members, board staff, and the public, we reviewed a structured survey where we identified key goals that guide our actions and keep us accountable to those we serve. We outlined the Board's commitment to uphold our mission, vision, and values.

This strategic plan is the foundation of the Board's intent and focus in the coming years. It builds upon previous strategic plans and recognizes our commitment to uphold our duties within the Department of Consumer Affairs and to the people of the state of California that receive occupational therapy services.

As President of the Board of Occupational Therapy, I invite all interested stakeholders to engage with us in the next five years to achieve the goals identified in this strategic plan.

Beata Draga Morcos

President, Board of Occupational Therapy

Board Mission, Vision, and Values

Mission

To protect California consumers of occupational therapy services through effective regulation, licensing, and enforcement.

Vision

The California Board of Occupational Therapy is a model consumer protection agency recognized for valuing all stakeholders.

Values

- Consumer Protection - We make effective and informed decisions in the best interest, and for the safety of, Californians.
- Efficiency - We diligently identify the best ways to deliver high quality services with the most efficient use of our resources.
- Fairness - We treat people equally and make decisions without favoritism or prejudice.
- Integrity - We are committed to honesty, ethical conduct, and responsibility.
- Commitment - We take responsibility and are accountable to the public.
- Transparency - We hold ourselves accountable to the people of California. We operate openly so that stakeholders can trust that we are fair and honest.
- Diversity, Equity, and Inclusion (DEI) - We support diversity, equity, and inclusion in the workplace and in the delivery of our services.

Goal 1: Licensing

The Board ensures those seeking licensure meet minimum standards of conduct, education, fieldwork, and examination.

- 1.1 Review communication processes to identify efficiencies and other improvements.
- 1.2 Improve communication with applicants and licensees regarding the licensure process, requirements, and processing times.
- 1.3 Review licensing fees to balance fiscal responsibilities and reduce barriers to licensure.
- 1.4 Explore creating a law and ethics exam, or mandatory continuing education, to maintain licensee awareness of laws and regulations surrounding their profession and improve compliance.

Goal 2: Enforcement

The Board enforces the laws and regulations governing the practice of occupational therapy by effectively investigating complaints, non-compliance, and irregularities, and concludes with an appropriate response.

- 2.1 Evaluate and update the subject matter expert (SME) program to improve recruitment, training, retention, and diversity.
- 2.2 Research enforcement options in addition to cite and fine and formal discipline.

Goal 3: Outreach and Communication

The Board strives to increase communication, education and outreach efforts to consumers, applicants, licensees, and other stakeholders regarding laws, regulations and the practice of occupational therapy.

- 3.1 Explore having the ability to capture additional licensee contact information to communicate quickly and effectively.
- 3.2 Expand outreach presentations to increase stakeholder engagement and involvement.
- 3.3 Expand the Board's use of social media platforms to create new avenues of communication.
- 3.4 Conduct outreach to explain the Board's role and clarify the difference between consumer protection and advocacy.

Goal 4: Laws and Regulations

The Board implements and enforces statutes and regulations that strengthen and support the Board's mandate and mission.

- 4.1 Increase communication about new, or changes to, laws and regulations to keep licensees informed and compliant.
- 4.2 Review and update regulations as necessary to ensure they are relevant and effective.

Goal 5: Organization and Administration Effectiveness

The Board strives to build an excellent organization by ensuring responsible fiscal stewardship and through proper governance, effective leadership, and outstanding customer service.

- 5.1 Develop relationships between management and staff to promote a safe, diverse, and equitable workplace.
- 5.2 Increase staff training to provide the resources necessary for increasing effectiveness and efficiency.
- 5.3 Review and refine board processes and procedures to improve efficiencies and effectiveness.
- 5.4 Explore and implement the most effective methods for delivering board meeting agendas and materials.
- 5.5 Promote awareness of board member vacancies to foster a diverse candidate pool.

Strategic Planning Process

To understand the environment in which the Board operates as well as identify factors that could impact the Board's success in carrying out its regulatory duties, the Department of Consumer Affairs' SOLID Planning Unit (SOLID) conducted an environmental scan of the Board's internal and external environments by collecting information through the following methods:

- SOLID interviewed leadership and conducted an online survey for staff during the months of November and December 2024.
- SOLID interviewed or conducted a survey for board members during the months of November and December 2024.
- SOLID conducted an online survey for external stakeholders during the months of November and December 2024.

The most significant themes and trends identified from the environmental scan were discussed by board members, board leadership, and staff during a strategic planning session facilitated by SOLID on January 24, 2025. This information guided the Board in the development of its strategic objectives outlined in this 2025-2030 strategic plan.

California Board of Occupational Therapy

1610 Arden Way, Suite 121
Sacramento, CA 95815
Tel: (916) 263-2294
<https://www.bot.ca.gov/>

Strategic plan adopted on March 6, 2025.

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the California Board of Occupational Therapy on January 24, 2025. Subsequent amendments may have been made after the adoption of this plan.



Prepared by:
SOLID Planning Solutions
1747 N. Market Blvd., Ste. 270
Sacramento, CA 95834

ATTACHMENT E

COMPLAINT PRIORITIZATION GUIDELINES

(CF., SECTION 4, QUESTION 34)



Complaint Prioritization Guidelines

As complaints are received, Enforcement staff will immediately review each complaint to determine the appropriate course of action based on the Board of Occupational Therapy's *Complaint Prioritization Guidelines*.

The table below sets forth guidelines for prioritization of complaints. Complaints that pose an immediate threat to the health, safety, and welfare of consumers shall be assigned an "Urgent" priority, requiring immediate and expedited processing by Board Enforcement staff and/or a high level of monitoring (daily or weekly), with law enforcement, the Division of Investigation, or the Office of the Attorney General. Such cases shall be continuously assessed and considered for an Interim Suspension Order, Penal Code section 23 hearing, or other interim action.

Depending on the underlying facts, deviation from the guidelines may be warranted. For example, a complaint based on a report from a health care practitioner data bank (categorized as "routine" in the guidelines) may be re-prioritized to a higher level of response based on the nature of the underlying act(s).

PRIORITY LEVEL	COMPLAINT CATEGORY
URGENT	<p>Any act resulting in death or serious injury.</p> <p>Physical or mental abuse or sexual misconduct with a patient during the course of treatment or examination.</p> <p>Negligence or incompetence causing death or serious injury to a client or other in delivering professional services.</p> <p>Unlicensed activity alleged to have resulted in patient injuries.</p> <p>Obtain, possess, prescribe, furnish or administer to another, any controlled substance or dangerous drug or dangerous device. <i>(May be re-categorized to "High" or "Routine" based on the nature of the underlying acts and whether the practitioner has a pattern/history of similar conduct)</i></p> <p>Use of any drug or alcohol resulting in impaired practice, death, or serious bodily injury to another.</p> <p>Practicing while under the influence of alcoholic beverages or any illegal drug, or any use within the scope of employment.</p> <p>Aiding and abetting unlicensed practice alleged to have resulted in patient injuries.</p> <p>Arrests or convictions substantially related the practice. <i>(May be re-categorized to "High" or "Routine" based on the nature of the underlying acts and whether the practitioner has a pattern/history of similar conduct).</i></p> <p>Impairments (mental, physical or as a result of alcohol or drug abuse.)</p> <p>Theft of prescription drugs.</p> <p>Furnishing prescription drugs without a prescription.</p>

HIGH	<p>Negligent or incompetent professional services not causing serious injury to a client or other.</p> <p>Physical or mental abuse without apparent injury.</p> <p>Reports pursuant to Bus. & Prof. Code Section 800. (May be re-categorized based on nature of underlying act)</p> <p>Complaints about licensees on probation.</p> <p>Providing advanced practice services without supervision or appropriate approval.</p> <p>Multiple complaints of similar nature.</p> <p>Practicing on an expired license; unlicensed activity with no apparent client harm.</p> <p>Aiding and abetting unlicensed activity with no apparent client harm.</p> <p>Other acts when evidence will likely be destroyed or become unavailable.</p>
MEDIUM	<p>Applicant misconduct (conviction history, failure to disclose conviction(s), arrest(s), exam subversion)</p> <p>False/misleading advertising or professional representations.</p> <p>Fee or billing disputes.</p> <p>Fraud and/or dishonest acts; falsify patient records or timecard/records.</p> <p>Failure to release medical records.</p> <p>Breach of confidentiality.</p> <p>Continuing competency audit violations.</p> <p>Failing to provide adequate and/or appropriate supervision to an occupational therapy assistant or aide with no apparent harm to the client.</p> <p>National practitioner data bank reports or other reports of out-of-state discipline. <i>(May be re-categorized based on the nature of the underlying facts and if the practitioner is practicing/residing in California).</i></p>
LOW	<p>Non-jurisdictional complaints.</p> <p>Address change violations.</p>



CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

SUNSET REVIEW REPORT 2026

PRESENTED TO THE SENATE COMMITTEE ON BUSINESS, PROFESSIONS AND ECONOMIC
DEVELOPMENT AND THE ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS



GAVIN NEWSOM
GOVERNOR

TOMIQUIA MOSS
SECRETARY
BUSINESS, CONSUMER SERVICES AND
HOUSING AGENCY

KIMBERLY KIRCHMEYER
DIRECTOR
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

AUSTIN PORTER
EXECUTIVE OFFICER
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
1610 Arden Way, Sacramento, CA 95815