



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

# Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



## Physical Therapy Board of California Notice of Public Meeting

February 11, 2015 9:00 a.m.

February 12, 2015 9:00 a.m.

**Department of Consumer Affairs  
2005 Evergreen Street, Hearing Room  
Sacramento, CA 95815**

### Board Members

#### President

Debra Alviso, PT, DPT

#### Vice-President

Katarina Eleby

#### Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Alicia Rabena-Amen, PT, MPT

James Turner, MPA

Carol Wallisch, MA, MPH

### Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Sarah Conley, Executive Associate

Analyst

Action may be taken on any agenda item. Agenda items may be taken out of order.

Unless otherwise indicated, all agenda items will be held in OPEN SESSION. THE PUBLIC IS ENCOURAGED TO ATTEND. Please refer to the informational notes at the end of the agenda.

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## Agenda

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1. **Call to Order and Roll Call**
2. **Practice of Wellness and Related Regulatory Requirements**
3. **Closed Session**
  - (A) Pursuant to Government Code section 11126(c)(3)  
Deliberation on Disciplinary Actions
  - (B) Pursuant to Government Code section 11126(c)(1)  
Prepare, approve, grade or administer examinations
  - (C) Pursuant to Government Code section 11126(e)  
US Equal Employment Opportunity Commission (EEOC) Charge  
Number 555-2012-00027
4. **Draft Regulatory Language for Board Consideration and Possible Action for the Following Sections of Division 13.2 of Title 16 of the California Code of Regulations**
  - (A) Fee Increase  
Regulation number(s) to be determined
  - (B) Requirements for Graduates from Non-Accredited Programs: Test of English as a Foreign Language (TOEFL)  
Regulation number(s) to be determined
5. **Approval of Meeting Minutes – Sarah Conley**
  - (A) November 5 & 6, 2014
  - (B) December 1, 2014

6. **Consumer and Professional Associations and Intergovernmental Relations Reports**
  - (A) Federation of State Boards of Physical Therapy (FSBPT)
  - (B) Department of Consumer Affairs (DCA) – *Christine Lally*
  - (C) California Physical Therapy Association (CPTA)
7. **President’s Report** – *Dr. Alviso*
  - (A) 2015 Meeting Calendar
  - (B) 2016 Meeting Calendar
8. **Executive Officer’s Report** – *Jason Kaiser*
9. **Legislation Report** – *Sarah Conley*
  - (A) AB 12 (Cooley) State Government: Administrative Regulations: Review
  - (B) AB 19 (Chang) State Government: Regulations
  - (C) AB 85 (Wilk) Open Meetings
  - (D) AB 161 (Chau) Athletic Trainers
  - (E) SB 52 (Walters) Regulatory Boards: Healing Arts
  - (F) Other 2015 Bills Potentially Impacting Physical Therapy Practice or Regulation
10. **Rulemaking Report**– *Sarah Conley*
  - (A) License Renewal Exemptions: Retired Status
11. **Administrative Services Report**
  - (A) Budget – *Carl Nelson*
    - i. Fee Increase
  - (B) Outreach – *Jacki Maciel*
12. **Application & Licensing Services Report** – *Liz Constancio*
13. **Consumer Protection Services Report** – *Elsa Ybarra*
14. **BreEZe Presentation** – *Kalani Mertyrus, BreEZe Business Project Manager*
15. **Strategic Plan** – *Sarah Conley*
16. **Public Comment on Items Not on the Agenda**

*Please note the board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. [Government Code sections 11125 and 11125.7(a)]*
17. **Agenda Items for Next Meeting** – May 13 & 14, 2015  
Loma Linda University  
Loma Linda, CA

## 18. Adjournment

### **Informational Notes:**

*Times stated are approximate and subject to change. Agenda order is tentative and may be changed by the Board without prior notice. Action may be taken on any item on the agenda. This meeting will conform to the Bagley-Keene Open Meeting Act. The Board provides the public the opportunity at the meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment may be limited.*

*The Board plans to webcast this meeting on its website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov). Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.*

*The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Sarah Conley at (916) 561-8210, e-mail: [sarah.conley@dca.ca.gov](mailto:sarah.conley@dca.ca.gov), or send a written request to the Physical Therapy Board of California, 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.*

**Roll Call**

**Department of Consumer Affairs, Sacramento, CA**

**February 11, 2015**

	Present	Absent
Debra J. Alviso, PT, DPT, President		
Katarina Eleby, Vice-President		
Jesus Dominguez, PT, PhD		
Daniel Drummer, PT, DPT		
Alicia Rabena-Amen, PT, MPT		
James E. Turner, MPA		
Carol A. Wallisch, MA, MPH		

**February 12, 2015**

	Present	Absent
Debra J. Alviso, PT, DPT, President		
Katarina Eleby, Vice-President		
Jesus Dominguez, PT, PhD		
Daniel Drummer, PT, DPT		
Alicia Rabena-Amen, PT, MPT		
James E. Turner, MPA		
Carol A. Wallisch, MA, MPH		



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### Briefing Paper

Date: 1/29/2015

Prepared for: PTBC Members

Prepared by: Debra J. Alviso, PT, Board Member

Subject: Physical Therapy Practice: Wellness

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### **Purpose:**

The Quality Practice Committee (QPC) of the California Physical Therapy Association (CPTA) submitted a letter requesting the topic of wellness be added to a PTBC agenda. The topic has been added to the February 2015 PTBC meeting agenda to provide an opportunity for new Board members to become familiar with the subject.

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### **Background:**

Effective January 1, 2005, the statutory definition of physical therapy was amended to reflect that the practice of wellness is part of the practice of physical therapy.

In 2008 and 2009, a PTBC task force reviewed regulations related to the use of assistive personnel and the documentation required by each individual in the practice of physical therapy. The task force also discussed the use of assistive personnel within the practice of wellness and reviewed the pertinent statutes and regulations. Because the task force concluded that the statutes themselves required certain actions and types of documentation for any physical therapy practice, including wellness, it was determined that further work by that task force was not warranted beyond the scope of the task force.

In 2013, QPC submitted a letter requesting PTBC clarify practice issues related to physical therapy wellness services. QPC's concern is that its members may be subject to discipline by PTBC for failing to follow the law and regulations in providing wellness services. In October 2013, a Wellness Symposium was held with representatives of PTBC members, PTBC staff, and CPTA and QPC members. A report was prepared and presented during the PTBC's November 2013 meeting. The report on this symposium is included.

The QPC has again asked for the opportunity to address the Board on this topic in the October 2104 letter.

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**Analysis:** PTBC has new board members who were not present for previous discussions related to wellness.

There are many factors to be considered to familiarize board members with this topic to allow current consideration of this issue.

- The inclusion of wellness as part of the practice of physical therapy means the statutes and regulations related to practicing physical therapy apply.
- Currently statute defines anyone providing care/PT service who is not a PT or PTA is considered an "aide" and is subject to the requirements for use of an aide.
- SB198 did change the law to allow changes to the specific documentation requirements by regulation. The law still specifies that “physical therapy... shall include physical therapy evaluation, treatment planning, instruction and consultative services.”
- Physical therapy is much more diverse now than the traditional treatment of either in-patient or out-patient traditional treatment.
- The regulations related to physical therapy are drafted primarily to ensure public protection.
- Regulation change- requirements to change a regulation include an identified need.
  - To date, PTBC has not found there to be concern about public protection in the practice of wellness. No cases related to the provision of wellness have been raised to the Board’s level. The facts surrounding each complaint are considered at both the investigative and discipline phases. Each case is investigated on an individual basis, meaning the staff considers the circumstances of the relationship of the patient/client to the licensee and consider the licensee’s actions in context. PTBC has not yet identified needed change to effect the application of laws and regulations to the provision of wellness.
- SB198- As a result of the passage of SB198, PTBC is in process of the update of numerous regulations. These have been prioritized and this year's rulemaking is underway.

It is difficult to provide explicit direction in regulation about what to do and not do in providing wellness to individuals, because there is not a bright line between traditional treatment and wellness -- rather, there is generally a continuum of physical therapy. For example, a person recovering from an injury or illness transitions from traditional physical therapy treatment to wellness treatment. Because of that continuum and the overlap of care, creating explicit directions about the contents of an evaluation and documentation is difficult. At this point, the practitioner must exercise his or her judgment about the appropriate physical therapy evaluation, treatment planning, instruction and consultative services when providing wellness.

If a complaint is received, staff is charged with considering the facts and circumstances surrounding the situation. If staff has a concern about the practitioner's judgment in the practice of physical therapy, it will consult with a subject matter expert.

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**Action Requested:**

No action requested at this time. The matter is presented to the Board members so that they may become familiar with the issues. Given the other regulatory workload currently before the Board, and the lack of identified problems from a public protection standpoint, no action is recommended at this time.

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**Attached:**

- **CPTA QPC letter 10/21/2014**
- **Wellness Symposium Report**
- **Relevant laws & regulations**



October 21, 2014

Debra Alviso, PT, DPT, OCS  
Board President  
Physical Therapy Board of California (PTBC)  
2005 Evergreen St., Ste. 1350  
Sacramento, CA 95815

Dear Dr. Alviso:

On behalf of the Quality Practice Committee (QPC) of the California Physical Therapy Association, I would like to request that *Wellness* be placed on the PTBC November agenda for discussion. As a member of the PTBC Symposium that was convened a year ago, I thought the symposium did a good job in identifying issues regarding wellness, such as:

- the difficulty in defining wellness
- the difficulty of defining patient vs. client/customer
- the difficulty in differentiating treatment from health/wellness
- public protection and public perception of physical therapy , and
- the negative impact of unintended overregulation

According to your President's Report for the November 6<sup>th</sup> & 7<sup>th</sup>, 2013 PTBC meeting, you identified several items needing further clarification or regulation, such as:

- There may be a way to define the exceptions to the current regulatory requirements, which may be a very small, low risk of public protection scenario; and
- There may also be a way to provide guidance through regulation for the Board and the profession to use in determining the standard of documentation and supervision that applies in individual practice decisions.
- It appears current regulation (supervision, documentation) was designed for application to traditional physical therapy treatment.
- This level of required documentation and supervision may not be necessary across the broad spectrum of physical therapy services which now include Wellness, etc.

The QPC is hoping by placing Wellness on the PTBC agenda that these issues can be addressed and a plan be established to resolve the questions surrounding wellness services provided by physical therapists in this state.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink that reads "Nancy E. Byl, PhD, MPH, PT". The signature is written in a cursive style.

Nancy E. Byl, PT, PhD, FAPTA  
CPTA Board of Directors  
Quality Practice Committee Chairperson



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### Wellness Report

Date: 10/23/13  
Prepared for: PTBC Board Members  
Prepared by: Debra J. Alviso, PT, Board Member  
Subject: Wellness Symposium Report

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#### **Purpose:**

To summarize the meeting held to explore issues related to Wellness and physical therapy.

#### **Background:**

The CPTA Quality Practice Committee submitted a letter related to issues surrounding physical therapy wellness services and the application of California regulation. In response to this, a meeting was proposed and approved by the PTBC Board at its August 2013 meeting. This Wellness Symposium was held 10/23/13.

#### **Attendees:**

Debra Alviso, PT, PTBC Board Member  
Sara Takii, PT, PTBC Board Member  
Nancy Byl, PT, CPTA Quality Practice Committee Chair  
Mitch Kaye, PT, CPTA Quality Practice Committee  
Stacy DeFoe, CPTA Executive Director  
Jason Kaiser, PTBC Executive Officer  
Sarah Conley, PTBC Analyst  
Elsa Ybarra, PTBC Consumer Protection Manager  
Laura Freedman, PTBC Legal Counsel  
Dennis Ellingson, PT, PTBC Expert Consultant

#### **Format and Document Review**

The format included a review of pertinent documents including:

- The letter from the CPTA Quality Practice Committee
- World Health Organization Ten Facts on Physical Activity
- APTA Position Statements and Policies

- References from California laws and regulations pertaining to physical therapy and Wellness:
- Pertinent legislation
  - SB 1485 (Burton; Chapter 117, Statutes of 2004)
  - SB 1000 (Wieckowski, Chapter 620, Statutes of 2013)
  - SB 198 (Lieu; Chapter 389, Statutes of 2013)
- An article from the March 2005 edition of *Progress Notes*, the PTBC's Newsletter
- References from other jurisdictions' practice acts

## Issues

The discussions allowed the group to consider numerous issues surrounding physical therapy including health and wellness. The participants used numerous viewpoints for the review – consumer, professional and regulatory. All discussions included consideration of public protection.

Issues considered:

- The difficulty of defining patient vs. client/customer
- The difficulty in differentiating treatment from health/wellness
- Public protection and public perception of physical therapy
- The negative impact of unintended overregulation

## Takeaways

After careful and thorough review and discussion, the group assembled the following "takeaways:"

1. Confirmation that both traditional treatment and Wellness are "Physical Therapy" under current law;
2. The laws of Physical Therapy apply to treatment and Wellness;
3. Some aspects of the requirement for a diagnosis will change with the enacting of AB 1000;
4. It appears current regulation (supervision, documentation) was designed for application to traditional physical therapy treatment;
  - a. This level of required documentation and supervision may not be necessary across the broad spectrum of physical therapy services which now include Wellness, etc.

5. Physical therapy services are on a continuum rather than a clear cut delineation between patient/client and treatment/Wellness (More detail on continuum later in this report);
6. In concert with professional judgment, there are factors which influence where on the continuum a specific physical therapy service lies;
7. There may be a way to define the exceptions to the current regulatory requirements, which may be a very small, low risk of public protection scenario; and,
8. There may also be a way to provide guidance through regulation for the Board and the profession to use in determining the standard of documentation and supervision that applies in individual practice decisions.

**Continuum Factors: (Draft to capture discussion points)**

- Communication
  - What was implied?
  - What did consumer expect?
  - What was advertised?
  - Disclaimer or other communication
- Consumer/patient
  - Risk level of population
    - Mental and physical stability and status
  - Age
  - Diagnosis/ co-morbidities
  - Purpose for seeking physical therapy
- Safety
  - Did level of evaluation/assessment allow identification of red-flags?
  - What were existing diagnoses?
  - Was PT able to determine the appropriateness of the activity/treatment for this consumer?
  - Was PT able to identify and respect contraindications?
- Intervention
  - How invasive?
  - How innocuous?
  - How individualized?
  - How predictable was the outcome?
  - How was the activity possibly modified or altered in response to intervention (positive or negative)?

- Defensible
  - Professional properly trained, educated?
  - Experience of professional to practice in this area
  - Community standard
  - Documentation trail
  - Can the professional provide own defense of consideration of the safety of the patient?
  - Was there proper response to change in condition or response?
  - How were red-flags or contraindications considered?
  
- Setting
  - Aspects of settings are factors in the risk assessment for treatment/interventions
    - Extreme example: education at public health fair vs. neonatal unit

**Possible next steps:**

1. Further work is needed on the Physical Therapy Continuum – input of factors, various examples of treatment and Wellness to capture the spectrum
2. Further develop Continuum Elements
3. Consider concepts of "patient record"
  - a. What other forms of documentation can make up a "patient record" in instances of other than traditional treatment
4. Consider concepts of "diagnosis"
5. Define Wellness
  - a. Health
  - b. Physical activities
6. Any regulatory changes related to Wellness and the Physical Therapy Continuum should include other regulatory needs as a result of current session legislation – SB 198, AB 1000

**Possible references:**

- Other jurisdictions' language:
  - Alaska – example for defining points of patient-related duties and what can be delegated
  - Louisiana – example of Q/A regarding Wellness
  
- The American Physical Therapy Association (APTA) has a draft model payment system that categorizes severity and intensity of physical therapy services. Although this has

been developed for payment purposes, the concepts may be helpful for the development of Continuum Elements.

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### **Summary and Recommendations:**

The Wellness Symposium provided a positive opportunity for various stakeholders to explore issues regarding Wellness and physical therapy. Concepts and issues were identified including the Continuum of Physical Therapy, and the difficulties in application of existing regulation to the spectrum of services offered with the addition of Wellness.

Further development of the Physical Therapy Continuum and Continuum Factors should occur as a model for drafting future regulatory language as this will assist in considering the spectrum of physical therapy.

The takeaways and suggestions of the symposium should be considered in regulatory packages related to documentation, supervision and other practice requirements.

## Relevant Sections of the Business and Professions Code

### § 2620. "Physical therapy" defined and restricted

(a) Physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The practice of physical therapy includes the promotion and maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy interventions. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease.

(b) Nothing in this section shall be construed to restrict or prohibit other healing arts practitioners licensed or registered under this division from practice within the scope of their license or registration.

### § 2620.7. Documentation and maintenance of patient records

(a) Patient records shall be documented as required in regulations promulgated by the board.

(b) Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of unemancipated minors shall be maintained at least one year after the minor has reached 18 years of age, and not in any case less than seven years.

§ 2622. Management of patient care; physical therapist assistants; services of aide

(a) A physical therapist shall be responsible for managing all aspects of the care of each patient as set forth in regulations promulgated by the board.

(b) A physical therapist shall not supervise more than two physical therapist assistants at one time to assist the physical therapist in his or her practice of physical therapy.

(c) A physical therapist may utilize the services of one aide engaged in patient-related tasks to aid the physical therapist in his or her practice of physical therapy.

§ 2630.3. Physical therapist assistants; requirements

(a) A licensed physical therapist assistant holding a valid, unexpired, and unrevoked physical therapist assistant license may assist in the provision of physical therapy services only under the supervision of a physical therapist licensed by the board. A licensed physical therapist shall at all times be responsible for the extent, kind, quality, and documentation of all physical therapy services provided by the physical therapist assistant.

(b) It is unlawful for any person or persons to hold himself or herself out as a physical therapist assistant, unless at the time of so doing the person holds a valid, unexpired, and unrevoked physical therapist assistant license issued under this chapter, except as authorized in [subdivisions \(f\) and \(g\) of Section 2630.5](#).

(c) Physical therapist assistants shall not be independently supervised by a physical therapist license applicant, as defined in [Section 2639](#), or a physical therapist student, as defined in [Section 2633.7](#).

(d) A physical therapist assistant shall not perform any evaluation of a patient or prepare a discharge summary. The supervising physical therapist shall determine which elements of the treatment plan, if any, shall be assigned to the physical therapist assistant. Assignment of patient care shall be commensurate with the competence of the physical therapist assistant.

#### § 2630.4. Physical therapy aides; requirements

(a) A “physical therapy aide” is an unlicensed person, at least 18 years of age, who aids a licensed physical therapist consistent with subdivision (b).

(b) The aide shall at all times be under the supervision of the physical therapist. An aide shall not independently perform physical therapy or any physical therapy procedure. The board shall adopt regulations that set forth the standards and requirements for the supervision of an aide by a physical therapist.

(c) Physical therapy aides shall not be independently supervised by a physical therapist license applicant, as defined in [Section 2639](#), or a physical therapist student, as defined in [Section 2633.7](#).

(d) This section does not prohibit the administration by a physical therapy aide of massage, external baths, or normal exercise not a part of a physical therapy treatment.

#### **2620.1**

(a) In addition to receiving those services authorized by Section 2620, a person may initiate physical therapy treatment directly from a licensed physical therapist if the treatment is within the scope of practice of physical therapists, as defined in Section 2620, and all of the following conditions are met:

(1) If, at any time, the physical therapist has reason to believe that the patient has signs or symptoms of a condition that requires treatment beyond the scope of practice of a physical therapist or the patient is not progressing toward documented treatment goals as demonstrated by objective, measurable, or functional improvement, the physical therapist shall refer the patient to a person holding a physician and surgeon’s certificate issued by the Medical Board of California or by the Osteopathic Medical Board of California or to a person licensed to practice dentistry, podiatric medicine, or chiropractic.

(2) The physical therapist shall comply with Section 2633, and shall disclose to the patient any financial interest he or she has in treating the patient and, if working in a physical therapy corporation, shall comply with Article 6 (commencing with Section 650) of Chapter 1.

(3) With the patient’s written authorization, the physical therapist shall notify the patient’s physician and surgeon, if any, that the physical therapist is treating the patient.

(4) The physical therapist shall not continue treating the patient beyond 45 calendar days or 12 visits, whichever occurs first, without receiving, from a person holding a physician and surgeon’s certificate from the Medical Board of California or the Osteopathic Medical Board of California or from a person holding a certificate to practice podiatric medicine from the California Board of Podiatric Medicine and acting within his or her scope of practice, a dated signature on the physical therapist’s plan of care indicating approval of the physical therapist’s plan of care. Approval of the physical therapist’s plan of care shall include an in-person patient

examination and evaluation of the patient's condition and, if indicated, testing by the physician and surgeon or podiatrist.

(b) The conditions in paragraph (4) of subdivision (a) do not apply to a physical therapist when he or she is only providing wellness physical therapy services to a patient as described in subdivision (a) of Section 2620.

(c) (1) This section does not expand or modify the scope of practice for physical therapists set forth in Section 2620, including the prohibition on a physical therapist diagnosing a disease.

(2) This section does not restrict or alter the scope of practice of any other health care professional.

(d) Nothing in this section shall be construed to require a health care service plan, insurer, workers' compensation insurance plan, employer, or state program to provide coverage for direct access to treatment by a physical therapist.

(e) When a person initiates physical therapy treatment services directly, pursuant to this section, the physical therapist shall not perform physical therapy treatment services without first providing the following notice to the patient, orally and in writing, in at least 14-point type and signed by the patient:

"Direct Physical Therapy Treatment Services

You are receiving direct physical therapy treatment services from an individual who is a physical therapist licensed by the Physical Therapy Board of California. Under California law, you may continue to receive direct physical therapy treatment services for a period of up to 45 calendar days or 12 visits, whichever occurs first, after which time a physical therapist may continue providing you with physical therapy treatment services only after receiving, from a person holding a physician and surgeon's certificate issued by the Medical Board of California or by the Osteopathic Medical Board of California, or from a person holding a certificate to practice podiatric medicine from the California Board of Podiatric Medicine and acting within his or her scope of practice, a dated signature on the physical therapist's plan of care indicating approval of the physical therapist's plan of care and that an in-person patient examination and evaluation was conducted by the physician and surgeon or podiatrist.

Patient's Signature/Date"

*(Added by Stats. 2013, Ch. 620, Sec. 4. Effective January 1, 2014.)*

**Relevant sections from title 16, California Code of Regulations:**

§ 1398.13. Patient Records.

(a) A physical therapist shall document and sign in the patient record the following in accordance with subsection (c):

- (1) Examination and re-examination
- (2) Evaluation and reevaluation
- (3) Diagnosis
- (4) Prognosis and intervention
- (5) Treatment plan and modification of the plan of care
- (6) Each treatment provided by the physical therapist or a physical therapy aide
- (7) Discharge Summary

(b) The physical therapist assistant shall document and sign in the patient record any treatment provided by that individual, in accordance with subsection (c).

(c) With respect to any care provided to the patient, the patient record shall indicate:

- (1) The date and nature of the service provided and
- (2) The name and title of any individual who provided such service, including the individual's role in that service. As used in this section, the term "service" does not include "non-patient related tasks" as defined in section 1399.

(d) The physical therapist shall ensure compliance with subsection (c).

(e) The requirements of this section are in addition to the requirements of the following sections:

- (1) 1398.37(d) [relating to physical therapist students and interns],
- (2) 1398.44(e)(1) [relating to physical therapist assistants]
- (3) 1398.52(d) [relating to physical therapist assistant students]
- (4) 1399.10 [relating to physical therapist license applicants]; and
- (5) 1399.12 [relating to physical therapist assistant license applicants].

(f) Electronic signatures are sufficient for purposes of this section.

Note: Authority cited: [Section 2615, Business and Professions Code](#). Reference: Section 2620.7, Business and Professions Code.

#### HISTORY

1. Renumbering and amendment of former section 1399.85 to new section 1398.13 filed 6-14-2011; operative 7-14-2011 (Register 2011, No. 24).

This database is current through 1/16/15 Register 2015, No. 3

#### § 1398.44. Adequate Supervision Defined.

(a) "Adequate supervision" of a physical therapist assistant shall mean supervision that complies with this section. A physical therapist shall at all times be responsible for all physical therapy services provided by the physical therapist assistant and shall ensure that the physical therapist assistant does not function autonomously. The physical therapist has a continuing responsibility to follow the progress of each patient, and is responsible for determining which elements of a treatment plan may be assigned to a physical therapist assistant.

(b) A physical therapist who performs the initial evaluation of a patient shall be the physical therapist of record for that patient. The physical therapist of record shall remain as such until a reassignment of that patient to another physical therapist of record has occurred. The physical therapist of record shall ensure that a written system of transfer to the succeeding physical therapist exists.

(c) The physical therapist of record shall provide supervision and direction to the physical therapist assistant in the treatment of patients to whom the physical therapist assistant is providing care. The physical therapist assistant shall be able to identify, and communicate with, the physical therapist of record at all times during the treatment of a patient.

(d) A physical therapist assistant shall not:

- (1) Perform measurement, data collection or care prior to the evaluation of the patient by the physical therapist
- (2) Document patient evaluation and reevaluation
- (3) Write a discharge summary
- (4) Establish or change a plan of care
- (5) Write progress reports to another health care professional, as distinguished from daily chart notes
- (6) Be the sole physical therapy representative in any meeting with other health care professionals where the patient's plan of care is assessed or may be modified.
- (7) Supervise a physical therapy aide performing patient-related tasks

(8) Provide treatment if the physical therapist assistant holds a management position in the physical therapy business where the care is being provided. For purposes of this section, "management position" shall mean a position that has control or influence over scheduling, hiring, or firing.

The prohibitions in subsection (d) above shall not prohibit a physical therapist assistant from collecting and documenting data, administering standard tests, or taking measurements related to patient status.

(e) The physical therapist assistant shall

(1) Notify the physical therapist of record, document in the patient record any change in the patient's condition not within the planned progress or treatment goals, and any change in the patient's general condition.

Note: Authority cited: [Sections 2615, 2655.1](#) and [2655.92, Business and Professions Code](#).  
Reference: [Section 2655.92, Business and Professions Code](#).

#### HISTORY

1. Repealer of subsection (f) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
2. Amendment of section and Note filed 9-18-96; operative 9-18-96 pursuant to [Government Code section 11343.4\(d\)](#) (Register 96, No. 38).
3. Repealer and new section filed 6-14-2011; operative 7-14-2011 (Register 2011, No. 24).

This database is current through 1/16/15 Register 2015, No. 3



# Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



Physical Therapy Board of California

## Issue Paper

**Date:** January 30, 2015

**Prepared for:** PTBC Members

**Prepared by:** Rebecca Marco

**Subject:** Fee Increase

### **Purpose:**

Business and Profession Code (BPC) § 2688 authorizes the Physical Therapy Board of California (Board) to increase its fees to a statutory maximum through regulation. Staff is proposing the Board add into regulation an increase in application, initial license and biennial renewal fees effective January 1, 2016<sup>1</sup>. The proposed increase in fees will enable the Board to effectively sustain operations necessary for protecting consumers through its licensing and enforcement functions. Therefore, the fees would be as follows:

<b>Fee Type</b>	<b>Existing Fee</b>	<b>Proposed Fees</b>
Physical Therapist (PT) Application	\$125	\$300
PT Application (submitted under BPC § 2653)	\$200	\$300*
Physical Therapist Assistant (PTA) Application and License	\$125	\$300
PTA Application and License (submitted under BPC § 2653)	\$200	\$300*
Initial License for PT's	\$100	\$150
Renewal for Both License Types (PT & PTA)	\$200	\$300

\*BPC § 2688 restricts the Board from increasing the fees to the actual costs of application processing beyond the statutory minimum for those graduates applying under BPC § 2653.

### **Attachments:**

- **Proposed regulatory language**
- **Fund Condition**

- **Fee Analysis – To be presented at the meeting.** Board budget staff is in the process of completing a fee analysis which was anticipated to be attached, but unfortunately has been detained while waiting to receive costs associated with BreEZe implementation. Therefore, until a comprehensive analysis can be completed this paper is proposing an increase of fees to the statutory authorized maximum.

<sup>1</sup> The effective date of January 1, 2016 is to afford the Physical Therapy Fund the requisite 18 months for building the budget.

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**Background:**

Pursuant to BPC § 2615, the Board is authorized to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry out the provisions of the Physical Therapy Practice Act (Act).

Application/Initial License/Biennial Renewal: BPC § 2688, authorizes the Board to establish a fee for physical therapist application processing up to a maximum of \$300; a fee for physical therapists for applications submitted under BPC § 2653 up to a maximum of \$300; an application and initial license fee for physical therapist assistants up to a maximum of \$300; an application and initial license fee for physical therapist assistants submitted under BPC § 2653 up to a maximum of \$300; and, for the renewal of a license up to a maximum of \$300 for all licensees. The revenue generated from these fees is placed in the Physical Therapy Fund and is utilized by the Board to carry out its responsibilities as required by the Act. BPC § 2644 specifies that every person practicing physical therapy in California shall pay a biennial renewal fee. BPC §§ 2648 -2648.7 identifies those licensees who are exempt from payment of renewal fees.

Physical Therapy Fund: BPC § 2682 provides that the funds received by the Treasurer under the authority of the Act shall be placed in the Physical Therapy Fund and expenditure of those funds shall be subject to appropriation by the Legislature in the annual Budget Act.

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**Analysis:**

Pursuant to BPC § 2602.1, protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Primarily, the Board achieves this mandate by processing applications and issuing and renewing licenses to eligible physical therapist and physical therapist assistant applicants; investigating complaints; taking administrative action against licensees for substantiated violations of the Act; monitoring licensees whose licenses have been placed on probation; and managing the Substance Abuse Recovery Program for licensees whose practice may be impaired due to abuse of drugs or alcohol.

As of fiscal year 2013/14, the Board regulated 52,684 licensees, 42,160 physical therapists and 10,724 physical therapist assistants; and, processed 2,015 applications for licensure.

Existing law, BPC § 2688, authorizes the Board to assess fees associated with application, license and renewal processing enabling the Board to carry out its mandate of consumer protection. The Board's existing application, initial licensure and biennial renewal fees have been in effect since March 1, 2009 but are insufficient for supporting the Board in its mandated mission. Board staff is

proposing to increase each fee to its statutory cap until it receives the fiscal impact of the implementation of BreEZe, the Board's forthcoming enterprise licensing and enforcement system.

A review of the Board's fund condition report demonstrates the overall revenue for the Board has increased by \$905,000 (38%), yet expenditures have increased by \$1,541,000 (83%) since 2009. This creates a structural imbalance that is unsustainable without a fee increase. To emphasize this point, it is estimated that absent a fee increase, the Board's fund condition will be reduced to a deficit of 0.7 months in reserve by the end of fiscal year 2017/18.

There are several factors attributing to this structural imbalance, including the costs the Board incurs to deliver its services but most notable are personnel, pro rata and enforcement costs. A detailed comparison of expenditures between fiscal year 2008/09 and fiscal year 2013/14 reveal an overall increase in expenditures of 83%. More specifically, the Board's personnel expenditures increased from \$955,024 to \$1,340,967 (40%) in fiscal year 2013/14 and to 1,673,117 (75%) in fiscal year 2014/15. The Board is projecting an increase in personnel services to 1,775,524<sup>2</sup> (86%)<sup>3</sup> in fiscal year 2017/18.

Additionally, the Board has experienced a significant increase in the amount of pro rata assessed for services from the Department of Consumer Affairs. Specifically, since fiscal year 2008/09 the annual cost for pro rata services has increased from \$ 229,447 to 422,877 (84%) in fiscal year 2013/14. The Board is projecting an even greater pro rata cost increase in fiscal year 2017/18 to 575,972, which is a 151% increase from fiscal year 2008/09.

A third area in which the Board has seen tremendous growth is in its enforcement related cost increasing from \$371,731 in fiscal year 2008/09 to \$1,339,997 (260%) in fiscal year 2013/14. The Board is projecting an increase to \$1,450,456 (290%) in fiscal year 2017/18. These escalating costs are partially attributed to the increase in the number of cases referred to the Department of Consumer Affairs' Division of Investigation (DOI). The expenditures for DOI investigations increased from \$134,683 in fiscal year 2008/09 to \$407,977 (203%) in fiscal year 2013/14. In 2014/15 the Board's DOI expenditures increased by \$146,809 to \$554,786 (36%). The Board projects DOI costs to increase to \$588,742 (337%) in 2017/18. Also, the Office of Attorney General (AG) expenditures increased from \$138,496 in fiscal year 2008/09 to \$660,744 (391%) in fiscal year 2013/14. The Board projects these expenditures to increase to \$715,210 (416%) in fiscal year 2017/18. The deficit in the Office of the Attorney General allocation has required the Board to file a budget augmentation for the last three fiscal years, not just because of the increase in cases being referred to the Office of Attorney General for filing of administrative action but because of the complexity of the cases requiring more hours. Lastly, the Office of Administrative Hearings costs increased from \$21,167 in fiscal year 2008/09 to \$87,970 (316%) in fiscal year 2013/14. These costs are projected to increase to \$95,221 in fiscal 2017/18 (350%).

Another Board insufficiency is staffing in its Continuing Competency program. Due to staffing shortages and lack of funds for additional staffing, the Board had to redirect its Continuing Competency staff to its Application and Licensing program. Unfortunately, this impedes the Board's ability to audit its licensees for compliance with the continuing competency requirement as imposed

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<sup>2</sup> This projection is based on a .02% annual increase and applies throughout the document.

<sup>3</sup> The increase percentage is from fiscal year 2008/09 to 2017/18. This follows throughout the document.

by the legislature for ensuring the public physical therapy providers are competent and professionally current.

Lastly, SB 198, Chapter 389, Statutes of 2013, effective January 1, 2014 amended the Physical Therapy Practice Act to provide specific fee exemptions for those licensees in the military, disabled, volunteer and retired. Thus far, these renewal fee exemptions have resulted in a \$12,000 loss in revenue. Staff is projecting this loss will grow as more licensees become aware of the exemption. . A Gallup Poll done in 2013 determined the average age of retirement is 61 which is consistent with an unpublished article found in the Physical Therapy Journal. Retired member eligibility with the American Physical Therapy Association (APTA) starts at age 55. There are approximately 7,500 licensees who will reach the age of 61 by 2017/18. Therefore, even if the renewal fees remained at \$200 biennially, there is a \$1,500,000 revenue loss; and, if the renewal fees are not increased to the statutory maximum, there is a potential \$2,250,000 revenue loss by fiscal year 2017/18. The caveat to this statutory exemption is the Board absorbs the cost of these licensees since the licensee in retired status continues to be regulated by the Board. Therefore, for example, if the licensee in retired status were to sustain a criminal conviction, the costs of investigating and adjudicating would be absorbed by the Board.

Physical Therapy Fund Loan to the General Fund: During fiscal year 2010/11, \$1.5 million was transferred to the General Fund from the Physical Therapy Fund. Currently, there is an outstanding repayment remaining of \$1.5 million which is expected to be repaid during fiscal year 2015/16 when the Physical Therapy Fund is projected to be insolvent without the repayment. It was the Legislature's intent that the loan repayment be made to ensure that the programs supported by this fund are not adversely affected through reduction in services or increased fees. Based on this provision, the loan is scheduled to be repaid in full before the Board implements this proposal.

If the Board does not increase the application processing, initial licensure and biennial renewal fees, the Board's operations will suffer and consequently the consumers of physical therapy. Lacking adequate funding to the Board's application processing and licensing program would delay applicants from obtaining a license and subsequently delay them from entering into the marketplace, inhibiting their ability to begin repayment of accumulated debt from higher education and most importantly, delaying consumer access to physical therapy.

Additionally, the Board's enforcement program would suffer from reductions in resources which would delay processing consumer complaints, conducting investigations, and referring egregious cases to the Attorney General's Office for prosecution. Those types of delays would ultimately prevent the Board from efficiently and effectively protecting the public.

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**Action Requested:**

Staff requests the Board adopt the proposed language as written (or modified by the Board) at this meeting so the fees may be implemented by January 1, 2016. This implementation date would eliminate the potential for insolvency in fiscal year 2017/18.

The Physical Therapy Board of California proposes to add sections 1399.50 and 1399.52 to Article 7, Division 13.2, Title 16 of the California Code of Regulations, to read as follows:

1399.50 Physical Therapist Fees

Pursuant to section 2688 of the code physical therapist fees are fixed as follows:

(a) The application fee shall be \$125.00. For applications postmarked on or after January 1, 2016, the application fee shall be \$300.00.

(b) The application fee for foreign graduates under section 2653 of the code shall be \$200.00. For applications postmarked on or after January 1, 2016, the application fee for foreign graduates under section 2653 shall be \$300.00.

(c) The initial license fee shall be \$100.00. For those license fees postmarked on or after January 1, 2016 the license fee shall be \$150.00.

(d) The biennial renewal fee shall be \$200.00. For licenses that expire on or after January 1, 2016, the biennial renewal fee shall be \$300.00.

(e) The delinquency fee shall be \$100.00. For those delinquent after January 1, 2016 the delinquency fee shall be \$150.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2644 and 2688, Business and Professions Code.

1399.52 Physical Therapist Assistant Fees

Pursuant to section 2688 of the code physical therapist assistant fees are fixed as follows:

(a) The application and license fee shall be \$125.00. For application and license fees postmarked on or after January 1, 2016, the application and license fee shall be \$300.00.

(b) The application and license fee for foreign graduates under section 2653 of the code shall be \$200.00. For the application and license fee postmarked on or after January 1, 2016, the application and license fee for foreign graduates under section 2653 shall be \$300.00.

(e) The biennial renewal fee shall be \$200.00. For licenses that expire on or after January 1, 2016, the biennial renewal fee shall be \$300.00.

(g) The delinquency fee shall be \$150.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2644 and 2688, Business and Professions Code.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

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### Issue Paper

**Date:** January 28, 2015

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** English Proficiency Requirements

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**Purpose:** To clarify English proficiency requirements for applicants who completed a non-approved PT program outside of the United States. Specifically, staff proposes 1) To set a passing score on the Test of English as a Foreign Language (TOEFL); 2) To identify exemption qualifications; and, 3) To specify the length of time the exam score is valid. The proposed language also requires approved Credential Evaluation Services to report on the evaluation the applicant's exemption or compliance on the TOEFL examination.

**Attachments:** Proposed regulatory language

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**Background:** SB 198 amended Business and Professions Code (BPC) § 2653 (b) of the Physical Therapy Practice Act (Act) when it was chaptered into law. The amendment requires an applicant for a license as a physical therapist who has graduated from a physical therapist education program, that is not approved by the Board and is not located in the United States, demonstrate proficiency in English by achieving a score specified by the Board on the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Services (ETS) or such other examination as may be specified by the Board by regulation.

Since TOEFL was required by statute prior to the promulgation of regulation, the Board currently defers to the examination score minimums set by the United States Citizenship and Immigration Services (USCIS) for immigrants seeking to come into the United States to practice physical therapy. Also, at this time the Credential Evaluation Services are including the applicant's TOEFL score in the credential evaluation report submitted to the Board and have agreed to continue to do so. The Credential Evaluation Services have agreed to continue to provide this service thereby, reducing staff workload.

**Analysis:** BPC §2653(b) mandates the Board specify a passing score on the TOEFL examination; however, there are also other areas where clarity in regulations is necessary to be consistent with common sense and federal standards, including the exemptions from taking the TOEFL and to determine the length of time TOEFL scores are valid.

Each of these matters is addressed in turn:

### **Recommended TOEFL Passing Score**

TOEFL is a test of English proficiency for individuals for whom English is a foreign language. It contains four sections: Reading, Listening, Speaking and Writing. In the current version of the TOEFL, an applicant may receive up to 30 points for each section, for a maximum total score of 120.

Over a decade ago, the federal government began requiring tests of English proficiency for non-citizens coming into the US to practice physical therapy. While the United States Citizenship and Immigration Services (USCIS) recognizes the TOEFL, the current federal regulation<sup>1</sup> does not mirror the current administration TOEFL. The federal regulation specifically refers to the old TOEFL and TSE (Test of Spoken English) scores by name and assigns a pass score for each. When those were no longer available the concordance tables between the exams for the new integrated exam led to using the composite scores of reading writing and listening which matched the old TOEFL, and the Speaking score matched the old TSE. Since those were two separate exams, they allow the separate exams scores but this is no longer the case; therefore, USCIS is looking for ways to adjust this, but it will be slow in coming.

The figures below are the scores currently required by the USCIS-approved Foreign Credentialing Commission on Physical Therapy (FCCPT), which is authorized to issue certifications for physical therapists by the Secretary of Homeland Security in consultation with the Secretary of Health and Human Services.<sup>2</sup> The minimum scores are:

TOEFL SECTION(S)	MINIMUM SCORE
Total Score	89
Composite of Reading Comprehension, Listening Comprehension and Writing	63 (equivalent to USCIS computer based score 220)*
Speaking	26 (equivalent to USCIS TSE score 220)*

\*The scores recommended by USCIS in federal statute refer to exams that are no longer available. The TOEFL has been consolidated into one internet based test (TOEFL- iBT) and the scores have been converted from the original USCIS standard,

In 2014, the Federation of State Boards of Physical Therapy (FSBPT) set the following TOEFL passing scores for its purposes:

TOEFL SECTION	MINIMUM SCORE	
Reading Comprehension	21	Total of 63
Listening Comprehension	18	
Writing	24	
Speaking	26	

FSBPT will require the applicant to pass all four sections in one sitting; the applicant must pass each section with a minimum score. Unlike the USCIS rules, an applicant cannot use passing scores achieved on multiple administrations.

FSBPT reasons there is an established *minimum* standard for each scale reflecting different abilities with respect to English proficiency. There needs to be a degree of confidence the candidate can communicate

<sup>1</sup> Title 8, Code of Federal Regulations, section 212.15, subdivision (g).

<sup>2</sup> See Pub. L. No. 107-296, 116 Stat. 2135.

effectively in English to practice physical therapy. These aren't long tests (4.5 hours each) and there are frequent retake opportunities (retakes are every 12 days), so it could be really easy for someone to string together a few better-than-expected performances on each section and achieve all the minima. Demonstrating qualifications in each of the categories in a single setting better ensures that the individual will be minimally competent to practice physical therapy in the United States. We also note that the individual scores for each section are combined, they reflect the same figure - 89.

- 1) The scores recommended by the FSBPT came from a score setting workshop conducted in 2005 by ETS to set standards for PT, OT, Nursing, Pharmacy and Veterinary Medicine. From this study the standard was set using a sound, defensible process; the score for PTs was firmly rooted in the requirements for PT practice.
- 2) Adopting the Federal regulations composite score of 63 for reading, writing and listening would not be in the best interest of public protection since an applicant could get a high score in writing and reading comprehension and a very low listening comprehension score, yet still pass the examination. Also, it appears that allowing the combining of scores was to address the transition to the new TOEFL exam format to be compliant with the current federal regulation, which is anticipated to be changed in the future.
- 3) Thirty three of the thirty four states requiring English proficiency have adopted the score pass point established by the FSBPT. For a complete report on those states requiring TOEFL go to:  
<https://www.fsbpt.org/Search.aspx?q=TOEFL>

Because FSBPT's rationale suggests a high degree of likelihood that an applicant will be able to practice physical therapy in English, it is recommended the Board adopt minimum scores and consistent with the FSBPT minimum scores for each section. In addition, to ensure that practitioners have a sound grasp of English communication in each of the four areas of exam, it is recommended the applicant demonstrate the minimum scores in each section during a single administration of the examination.

## **EXEMPTIONS**

The federal regulation discussed above also provides an exemption for individuals who studied in countries where English is not a foreign language. Code of Federal Regulations (CFR), Title 8, § 212.15, subdivision (g)(2)(ii), states, "*The following aliens are exempt from the English language requirements: Aliens who have graduated from a college, university, or professional training school located in Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States.*"

Additionally, CFR, Title 8, § 212.15, subdivision (h)(4)(i)(3), states: "*Physical therapists. An alien physical therapist who has graduated from a program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association (APTA) is exempt from the educational comparability review and English language proficiency testing.*"

To access the USCIS CFR in its entirety, go to:  
<http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/8cfr.html>

Therefore, it is recommended the Board cross reference the CFR r, so that individuals who studied in a country where English was not a foreign language are exempt from the TOEFL requirement. Such exemption is also consistent with the purpose of the statute, to test those for whom English is a foreign language.

### **EXPIRATION OF EXAM SCORES**

Pursuant to CFR, Title 8, §212.15(e)(3), the Foreign Credentialing Commission on Physical Therapy (FCCPT) is an approved credentialing organization by the USCIS to issue the Certificate for Foreign Health Care Workers to those foreign educated PTs meeting the criteria (i.e. academic equivalency and pass the TOEFL).

CFR §212.15 (n)(4) states; *The individual's certification must be used for any admission into the United States, change of status within the United States, or adjustment of status within 5 years of the date that it is issued.* 212.15 allows the agency providing the certificate to set a policy to prove English proficiency. FCCPT Board of Directors has determined the only way to assure proficiency is to require a standardized test.

ETS will not release an exam score after two years. I am not sure if this is an administrative issue for storage and management of the scores or if they feel that the score is no longer valid after two years' time.

From FSBPT's perspective, it was a policy decision. They were concerned about indefinitely warehousing people's paperwork. So the 5 year limit is administrative. ETS only considers scores valid for 2 years. FSBPT thought many candidates needed more than 2 years to complete the licensing process and were likely doing things to maintain their English proficiency, so they thought holding the scores for 5 years was reasonable.

The Board is not required to set an expiration for examination score validity since the applicant would be required to retake the TOEFL again after five years to qualify for new certification.

### **Action Requested:**

Adopt the proposed language as written and direct staff to proceed with the Rulemaking Process.

The Physical Therapy Board of California proposes to amend section 1398.25 and add section 1398.26.3 to Article 2, Division 13.2, Title 16 of the California Code of Regulations, to read as follows:

**§ 1398.25. Credentials Evaluation Services.**

In accordance with Section 2653 of the code, the board will accept reports from credentials evaluation services which meet all of the following criteria:

(a) The service retains the services of a physical therapist consultant(s) who is licensed as a physical therapist in a state or territory of the United States and is used in an advisory capacity to review individual cases for comparability to the educational and training requirements of Section 2650 of the code for hours and content.

(b) The service is able to document the experience of its employees by producing positive letters of reference from other state licensing agencies, educational institutions or professional organizations.

(c) The service is able to submit a report to the board that shall be based on a review of original documentation of an applicant's credentials and shall document the following:

(1) The equivalent professional degree the foreign applicant would have received from an accredited physical therapist education program located in the United States.

(2) Whether completion of the foreign applicant's physical therapist education and training entitles the foreign applicant to practice as a physical therapist in the country where the education and training was completed.

(3) Whether the foreign applicant achieved the minimum required scores on a single administration of the Test of English as a Foreign Language (TOEFL) in accordance with section 1398.26.3(a) or is exempt from such requirement pursuant to section 1398.26.3(b).

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650, 2651 and 2653, Business and Professions Code.

**§ 1398.26.3 English Proficiency**

(a) In accordance with Section 2653 of the code, an applicant who graduated from a physical therapist education program that is not approved by the board and is not located in the United States (a "foreign applicant") must demonstrate English proficiency by achieving the following minimum scores during a single administration of the Test of English as a Foreign Language (TOEFL):

(1) Reading Section – 21

(2) Listening Section - 18

(3) Writing Section – 24

(4) Speaking Section - 26

(b) A foreign applicant who meets the following criteria is exempt from the requirement in subsection (a) above:

(1) One who graduated from a college, university or professional training school in Australia, Canada (except Quebec), Ireland, New Zealand, or the United Kingdom;

(2) One who is or would be exempt from TOEFL requirements pursuant to found at Title 8, Code of Federal Regulations, section 212.15, subsection (g)(2)(ii), as it currently exists or is hereafter amended.

NOTE: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650, 2651 and 2653, Business and Professions Code; Title 8, Code of Federal Regulations, section 212.15.



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1

## Board Members

### President

Debra Alviso, PT, DPT

### Vice-President

Katarina Eleby

### Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Alicia Rabena-Amen, PT, MPT

James Turner, MPA

Carol Wallisch, MA, MPH

## Physical Therapy Board of California

### **DRAFT Meeting Minutes**

November 5, 2014 9:00 a.m.

November 6, 2014 9:00 a.m.

## Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Sarah Conley, Executive Associate

Analyst

**University of the Pacific  
Edward and Alice Long Building,  
Room B-109  
751 Brookside Road  
Stockton, CA 95207**

2 For convenience, subjects discussed during the meeting follow their original order on  
3 the agenda in these minutes. Please note, however, issues were taken out of order  
4 during the meeting.

5

### 6 **1. Call to Order and Roll Call**

7

8 The Physical Therapy Board of California (Board) meeting was called to order by  
9 Dr. Alviso at 9:07 a.m. on November 5, 2014. All members listed above were  
10 present with the exception of Mr. Turner, and a quorum was established. Also  
11 present at the meeting were Laura Freedman, Legal Counsel; Jason Kaiser,  
12 Executive Officer; Elsa Ybarra, Consumer Protection Services Manager; and  
13 Sarah Conley, Executive Associate Analyst.

14

### 15 **2. Board Member Appointments**

16

17 Dr. Alviso announced a number of Board changes: the departure of Dr. Sara Takii,  
18 PT, DPT, from the Board; the appointment of Dr. Jesus Dominguez, PT, PhD, to  
19 the Board; and, the appointment of Dr. Daniel Drummer, PT, DPT, to the Board.

20

21 Dr. Alviso ceremonially administered the oath of office to Dr. Dominguez and Dr.  
22 Drummer.

23

1           **(A) Farewell to Sara Takii, PT, DPT**  
2

3           Sara Takii, PT, DPT, received her initial appointment to the Physical Therapy Board of  
4           California (Board) in October 2006 by Governor Schwarzenegger and was reappointed  
5           in December 2010. Dr. Takii served the Board as President in 2009 and 2010, most  
6           recently served as Vice-President in 2014, and formerly serviced as a member of the  
7           Assistive Personnel Task Force. She also represented the State of California at the  
8           Federation of State Boards of Physical Therapy (FSBPT) annual conference in the years  
9           2007-2009 and did this year as well as the delegate of the Board. Dr. Takii received her  
10          Doctor of Physical Therapy degree from Temple University, earned a Bachelor of  
11          Science degree in Physical Therapy from Ohio State University, and a Master of Public  
12          Administration degree from California State University, Long Beach, and is the owner of  
13          Southcoast Physical Therapy and Western Physical Therapy.  
14

15           **(B) Welcome to Jesus Dominguez, PT, PhD**  
16

17          Jesus Dominguez, PT, PhD, has been appointed to the Physical Therapy Board of  
18          California. Dr. Dominguez has been an assistant professor of clinical physical therapy  
19          and director of admissions at the University of Southern California Division of  
20          Biokinesiology and Physical Therapy since 2004. He was a research associate at the  
21          University of Southern California Keck School of Medicine from 2007-2010, an assistant  
22          professor at California State University, Los Angeles from 2002-2004 and an adjunct  
23          assistant professor of clinical physical therapy at the University of Southern California  
24          from 1998-2004, where he was an adjunct lecturer of clinical physical therapy from 1993  
25          to 1996. Dr. Dominguez was a physical therapist at Keck Hospital of the University of  
26          Southern California from 1996 to 1998 and senior physical therapist at JDC  
27          Cardiovascular Services from 1993 to 1996 and at Blessey Physical Therapy Services  
28          from 1988 to 1993. He is a member of the American Physical Therapy Association and  
29          the California Physical Therapy Association. Dr. Dominguez earned Doctor of  
30          Philosophy in biokinesiology and Master of Science in physical therapy degrees from the  
31          University of Southern California.  
32

33           **(C) Welcome to Daniel Drummer, PT, DPT**  
34

35          Daniel Drummer, PT, DPT, of San Francisco, has been appointed to the Physical  
36          Therapy Board of California. Dr. Drummer has been a physical therapist at the San  
37          Francisco General Hospital Department of Rehabilitation since 1995. He was a physical  
38          therapist at the Pennsylvania Hospital Department of Rehabilitation from 1994 to 1995.  
39          Dr. Drummer earned a Doctor of Physical Therapy from Temple University.  
40

41   **3. Approval of Meeting Minutes**  
42

1           **(A) August 20 & 21, 2014**  
2

3           Ms. Conley presented revised August 2014 minutes for Board consideration.  
4           She explained language was added to agenda item numbers 6 and 9 to clarify  
5           the discussion of those items. Specifically, the minutes for item 6 clarified  
6           possible a Board response to motions proposed by the FSBPT regarding limiting  
7           the number of exam attempts. Also, additional information was added to the  
8           minutes reflecting the discussion of agenda item 9 explaining that, at the time,  
9           pending legislation that would prohibit the Board from denying a license based  
10          solely on a conviction that has been expunged does not prohibit the Board from  
11          denying the licensed based on the underlying conviction; however, it may be  
12          more difficult to prove the case, which could be a detriment to consumer  
13          protection.  
14

15                   **MOTION:           To adopt the draft August 20 & 21, 2014 meeting**  
16                                   **minutes with modification as presented**

17                   **M/S:                 Wallisch/Dominguez**

18                   **VOTE<sup>1</sup>:           6-0 Motion carried**  
19  
20  
21

---

<sup>1</sup> All members present as reflected during the call to order participated in each vote unless otherwise indicated. Only the name of members voting against as motion, abstaining or recusing will be specified in these minutes.

1           **(B) October 2, 2014**

2  
3           The Board identified Ms. Eleby's call-in location and the adjournment time  
4           needed to be added.

5  
6                   **MOTION:        To adopt the draft October 2, 2014 teleconference**  
7                           **minutes as amended.**

8  
9                   **M/S:            Wallisch/Eleby**

10  
11                   **VOTE:           6-0 Motion carried**

12  
13 **4. Consumer and Professional Associations and Intergovernmental Relations**  
14 **Reports**

15  
16           **(A) Federation of State Boards of Physical Therapy (FSBPT)**

17  
18           Ms. Eleby expressed appreciation for her opportunity to attend and participate in  
19           the FSBPT 2014 Annual Delegate Assembly. Mr. Kaiser shared he has a  
20           positive experience and thanked FSBPT for making the meeting in California a  
21           success.

22  
23           **(B) Department of Consumer Affairs (DCA)**

24  
25           There was no report for this agenda item.

26  
27           **(C) California Physical Therapy Association (CPTA)**

28  
29           Dr. Sheryl Low, PT, extended an invitation on behalf of Dr. James Syms, PT, to  
30           hold a quarterly meeting at Loma Linda University. Dr. Low also informed the  
31           Board that physical therapy students are continuing to struggle with fixed-date  
32           testing; they are unable to sit for an exam until after completion of the program,  
33           which may not be until after the deadline to obtain Board approval to sit for an  
34           upcoming exam. She requested the Board consider allowing applicants to apply  
35           and/or sit for the licensing exam prior completing the physical therapy education  
36           program. Mr. Kaiser responded the Board echoes Dr. Low's frustration with  
37           procedural requirements resulting from the implementation of fixed-date testing;  
38           however, the Board, by law, cannot accept an application let alone make eligible  
39           anyone who has not completed his or her physical therapy program.

1  
2 **5. President's Report**  
3

4 Dr. Alviso noted she participated in a teleconference of board Presidents and  
5 Executive Officers that was organized by the DCA; the DCA anticipates holding  
6 these meetings monthly. Dr. Alviso shared that board member training was  
7 discussed and reminded members of the necessity to comply with training  
8 requirements.  
9

10 **(A) 2015 Meeting Calendar**  
11

12 Ms. Conley informed the Board, pursuant to authority delegated by the Board to  
13 staff at the August 2014 meeting, staff scheduled the November 2015 meeting  
14 for November 5th & 6<sup>th</sup>. The Board reviewed the 2015 calendar that was  
15 adopted at the August 2014 meeting and all members indicated they had no  
16 conflicts with the scheduled meetings.  
17

18 **6. Executive Officer's Report**  
19

20 Mr. Kaiser briefly elaborated on each item addressed in his report. He noted that  
21 the Board is focusing on expanding its outreach efforts due to the interest  
22 expressed at the May 2014 meeting. Although limited resources and travel  
23 restrictions impact the outreach program, staff is exercising creativity in achieving  
24 outreach goals.  
25

26 **7. California Jurisprudence Exam Administration Options**  
27

28 Heidi Herbst-Paakkonen from the FSBPT delivered a PowerPoint presentation on  
29 jurisprudence exam administration options that are offered by the FSBPT.  
30 Although there are many components to the administration options, there are two  
31 possible methods for administering the exam: 1) at a testing center (current  
32 practice), or 2) offer on-line.

33 Mr. Kaiser explained the Board is concerned with the delay in updating the  
34 exam/extensive development process, being unable to use the exam as an avenue  
35 by which licensees may obtain continuing competency hours, and the development  
36 and administration process involving two entities – one who develops that exam  
37 and one who administers it.

1 Ms. Freedman informed the Board that Business and Professions Code (BPC)  
2 section 139 requires all examinations to be psychometrically sound in development  
3 and administration. She indicated that confirming the identity of the test taker is  
4 essential to establish that the exam is legally defensible as valid. Since this is a  
5 licensing qualification, that issue would need to be resolved before the Board  
6 considered an on-line exam.

7 Mr. Kaiser explained that the Office of Professional Exam Services would still have  
8 oversight of the exam pursuant to BPC section 139; however, it would be more like  
9 the oversight currently provided for the NPTE. In preliminary discussions with  
10 OPES, they indicated no concern with delegating development of the exam to the  
11 FSBPT. However, he noted that this position was taken considering the current  
12 exam administration process; OPES has not considered the Jurisprudence  
13 Assessment Module (JAM) option.

14 Ms. Wallisch shared she recently experienced a method of testing similar to the  
15 JAM, and she found it to be effective at facilitating understanding of the information  
16 being presented.

17 The Board expressed appreciation for Ms. Herbst-Paakkonen's presentation and  
18 requested staff assess validity and feasibility of what was proposed and bring the  
19 findings back to a future Board meeting.

#### 20 **8. FSBPT Supervised Clinical Practice (SCP) Performance Evaluation Tool** 21 **(PET) for Applicants from Non-Accredited Physical Therapist Programs**

22  
23 Leslie Adrian from the FSBPT delivered a presentation on the PET for applicants  
24 that graduated from non-accredited physical therapist programs (foreign-educated  
25 applicants). The presentation provided the Board with background on the  
26 development and purpose of the SCP PET.

27  
28 The reason the SCP PET was developed was because the current tool options  
29 were lacking defensibility and validity, and were tools designed for other purposes,  
30 for example, the Clinical Performance Instrument (CPI). The CPI was developed  
31 and intended for use with CAPTE entry-level students, not for applicants from non-  
32 accredited physical therapist programs. There are unique areas of education that  
33 apply to applicants who graduated from a non-accredited program, and currently,  
34 there is no consistent evaluation of these applicants. The PET requires graduates  
35 from non-accredited programs to demonstrate competency in six categories:  
36 profession behaviors; communication and documentation; examination; evaluation,

1 diagnosis and plan of care; intervention; and the United States Healthcare System.  
2 Each category is of equal importance. The tool is designed to address whether  
3 someone can practice safely and effectively; the individual must demonstrate  
4 evidence of competency in all categories to pass the PET and SCP. The PET is a  
5 validated instrument with ongoing research. Currently, Virginia is piloting use of  
6 the PET and is the only state that is using the PET of the fourteen states that  
7 require SCP. The FSBPT has received positive feedback from the licensing  
8 jurisdiction, clinical instructors and the applicants that the PET is clear, easy to use  
9 and accurately reflects the applicant's performance during the SCP. The FSBPT  
10 anticipates having it on-line by the end of 2015.

11  
12 Following the presentation, the Board discussed the possibility of using the PET.  
13 Ms. Adrian noted that there is no cost to the Board, clinical instructors or the  
14 applicants to use this tool. Mr. Freedman informed the Board that if the Board  
15 were to consider using the PET, it would require a regulation change; currently, the  
16 Board's regulation specifically requires the Physical Therapist Clinical Performance  
17 Instrument from the American Physical Therapy Association. Ms. Adrian explained  
18 the Board could run a pilot program and request clinical instructors complete both  
19 the CPI and the PET. Dr. Drummer commented that using both tools may have an  
20 impact on the applicants' SCP performance evaluations. Since each tool has  
21 different criteria, the CI, for example, may reassess the evaluation that was done  
22 using the CPI if that outcome differs from the evaluation done on the PET.  
23 Findings on the impact the use of both tools may have on the evaluations may be  
24 of interest to the Board.

25  
26 **MOTION: Direct the Executive Officer to stay informed of the**  
27 **development of the PET and bring issues and concerns**  
28 **to the Board as they arise, and authorize the Executive**  
29 **Officer to facilitate distribution of the PET on a voluntary**  
30 **basis to clinical instructors as related to foreign-**  
31 **educated physical therapist applicants.**

32  
33 **M/S: Alviso/Drummer**

34  
35 **VOTE: 6-0 Motion carried**  
36

1 **9. Legislation Report**

2  
3 **(A) 2013/14 Legislative Session Summary**

4  
5 Ms. Conley provided a summary of the following chaptered bills that were of  
6 interest to the Board, and which were chaptered this year: AB 2396, AB 2720, SB  
7 1159, SB 1226 and SB 1243. The Board took no action on any item.  
8

9 **10. Rulemaking**

10  
11 **(A) 2015 Rulemaking Calendar**

12  
13 Ms. Conley presented the proposed 2015 Rulemaking Calendar for Board  
14 consideration. The Board very briefly discussed each of the items on the  
15 calendar. The rulemaking calendar is provided to the Office of Administrative Law  
16 (OAL) in January to inform OAL of the Board's rulemaking intentions for the year.  
17 The Board is not required to complete all the rulemaking included on the  
18 calendar, and, should the need to complete additional rulemaking, the Board is  
19 not prohibited from doing so.  
20

21 **MOTION: To adopt the proposed 2015 Rulemaking Calendar as**  
22 **presented**

23  
24 **M/S: Alviso/Drummer**

25  
26 **VOTE: 6-0 Motion carried**  
27

28 **(B) Disciplinary Guidelines**

29  
30 Elsa Ybarra informed the Board the 5<sup>th</sup> edition of the Guidelines for Issuing  
31 Citation and Imposing Discipline as well as the Uniform Standards for Substance-  
32 Abusing Healing Arts Licensees went into effect October 1, 2014.  
33

34 **11. Administrative Services Report**

35  
36 **(A) Budget**

37  
38 Mr. Kaiser presented the budget report. At the Board's request, he explained the  
39 billing process for services provided by the Department of Consumer Affairs'

1 Division of Investigation (DOI). DOI costs are based on historic and anticipated  
2 workload in a three-year cycle. This billing method provides for adjustments to  
3 actual costs two years in the future (the third year of the cycle), which allows DOI  
4 to continue to provide its services even when the year's budget has been  
5 exhausted.

6  
7 Dr. Alviso requested staff include the previous year's expenditures and revenue  
8 on the corresponding graphs so the Board can compare to the current year's  
9 expenditures and revenue.

10  
11 **i. Fee Increase**

12  
13 Mr. Kaiser explained the Board is in need of a fee increase due to  
14 staff growth, increased current and projected expenditures, and  
15 decreased revenue. He noted that the General Fund loan repayment  
16 remains outstanding; however, it has been indicated that the  
17 repayment will occur prior the Board's fund reaching insolvency.  
18 Even with the repayment of the General Fund loan, the Board is still  
19 expected to reach insolvency by fiscal year 2017/18.

20  
21 Mr. Kaiser noted that a major impact on the fund has been the  
22 Attorney General budget augmentations the Board has been  
23 compelled to request in each of the last three fiscal years. Personnel  
24 is another area that has tremendous growth. The Board obtained a  
25 number of staff from the DCA Consumer Protection Enforcement  
26 Initiative, which was intended to address enforcement needs across  
27 all of DCA. Without the continuation of CPEI, the Board has since lost  
28 the funding and the staff received as part of that initiative. However,  
29 with its current enforcement staff, the Board has been able to reach its  
30 performance measure goals. In reaching these goals, the Board is  
31 incurring greater enforcement costs with increased workload.

32  
33 In addition to increased expenditures, the Board is also experience a  
34 loss in revenue based on the recently enacted provisions providing  
35 renewal fee exemptions, which include military, disabled, volunteer,  
36 and retired. These licensees, although exempt from the renewal fee,  
37 still represent potential workload for which the Board is not collecting  
38 revenue to support.

1 Another area of consideration for the Board is future costs. BreEZe,  
2 although currently undetermined, will result in significant costs to the  
3 Board.  
4

5 Dr. Alviso posed questions for staff consideration in conducting a  
6 detailed analysis determining the need for a fee increase. She  
7 requested examination of how the personnel services budget increase  
8 was determined, e.g., does the identified increase include the  
9 temporary help budget when temporary staff was made permanent?  
10 Moreover, Dr. Alviso inquired as to other possible revenue sources  
11 the Board may have with new statute and regulation changes, i.e.,  
12 implementing a fee for applying to be a Recognized Approval Agency,  
13 increase in initial licensure revenue with the increase number of  
14 applicants as noted in the Executive Officer report, etc. She also  
15 inquired as whether the Board is fully exercising its authority to collect  
16 cost recovery to ensure a licensee's discipline costs are not being  
17 remunerated by other licensees' fees.  
18

19 After further discussion, the Board determined it would like to see  
20 more detailed budget projections which include potential revenue and  
21 expenditure changes that impact the fund.  
22

23 **MOTION:** **To conduct further research on the future of**  
24 **the fund condition and bring findings back**  
25 **to a future meeting.**  
26

27 **M/S:** **Wallisch/Eleby**  
28

29 **VOTE:** **6-0 Motion carried**  
30

### 31 **(B) Outreach**

32

33 Mr. Kaiser presented the Outreach report. He noted that with a designated staff  
34 person for Outreach, the Board has launched a dynamic outreach campaign that  
35 has proved to increase the Board's overall social media presence. With that, Mr.  
36 Kaiser announced that that Board has established an Instagram account to offer  
37 stakeholders another way to connect with the Board.  
38

1 **12. Application & Licensing Services Report**

2  
3 The Board reviewed the Application and Licensing Services report and requested  
4 staff assess the applicant statistics to determine if there is a true increase in the  
5 number of applicants or if, because of the transition to the DPT programs,  
6 applicants are applying during a different time of year, therefore, resulting in a shift  
7 rather than an increase.  
8

9 **13. Consumer Protection Services Report**

10  
11 Ms. Ybarra presented the Consumer Protection Services report and noted that for  
12 the 1<sup>st</sup> quarter, the Board exceeded its goal for Performance Measure (PM) 3:  
13 Intake and Investigation, and PM 4: Formal Discipline. She explained the PM3  
14 data is skewed by a few cases that greatly exceeded the Board's target; however,  
15 the majority of cases are processed through intake and investigated within the  
16 Board's 90-day target. Similarly, PM4 data is also impacted by a few cases that  
17 took longer than that Board's 540-day target, however, this data also includes  
18 formal prosecution, which is handled by the Attorney General's Office.  
19

20 The Board questioned whether there was a way the data could be presented to  
21 reflect this information. Mr. Kaiser and Ms. Freedman explained that how the  
22 Performance Measures data is reported is prescribed by the DCA to ensure  
23 consistency; therefore, the data cannot be altered. Staff could provide a separate  
24 report or addendum that reflects the anomalies in the data and more accurately  
25 illustrates the Board's enforcement performance.  
26

27 **14. Strategic Plan – Sarah Conley**

28  
29 The Board reviewed and revised the proposed strategic plan. The revisions  
30 included using the term "licensee" in lieu of "practitioner" when referenced in the  
31 Mission, Vision and Values; adding educating applicants on the licensure process  
32 as an objective in meeting the goal for Applications; specified under Legislation  
33 and Regulation the Board's objective is to foster effective, positive relationships  
34 with the legislature; expanded the objective under Outreach and Education  
35 regarding educating students in obtaining licensure to providing education and  
36 resources regarding licensure and the laws that governing the practice; and made  
37 non-substantive, clarifying edits throughout the document.  
38

39 The Board indicated it will move forward with the plan, but did not ascertain an

1 expiration date; the Board would like to see what progress is made on the  
2 objectives established in this plan before considering when it should create a new  
3 one. The Board directed staff to provide annual reports on the progress of  
4 reaching each objective.

5  
6 **MOTION: To adopt the 2014 Strategic Plan as amended**

7  
8 **M/S: Wallisch/Eleby**

9  
10 **VOTE: 6-0 Motion carried**

11  
12 **15. Board Member Policy Manual Discussion and Revisions – Sarah Conley**

13  
14 Ms. Conley presented the Board Member Policy Manual and explained it had been  
15 non-substantially reformatted and reorganized, so the entire document was  
16 brought to the Board for their convenience. However, at the last meeting, the  
17 Board specifically requested that information distinguishing formal discipline from  
18 citations, and information explaining the process for reconsidering a case be  
19 added to the manual. Ms. Freedman included the requested information as well as  
20 suggested that it is the Board's policy to not accept new evidence when  
21 reconsidering a case where the Proposed Decision was rejected. She explained  
22 that this was a general rule, but that, by specific action of the Board, it could modify  
23 that for a specific case.

24  
25 **MOTION: To adopt a Board policy declining to take new evidence**  
26 **when considering a case where the proposed decision**  
27 **is being reviewed.**

28  
29 **M/S: Alviso/Dominguez**

30  
31 **VOTE: 6-0 Motion carried**

1 The Board then adopted the entire document as revised at the meeting and to  
2 accept all non-substantive changes made by staff. Pursuant to the manual, staff  
3 may make non-substantive changes.  
4

5 **MOTION: To adopt the Board Member Administrative Manual as**  
6 **edited.**

7  
8 **M/S: Drummer/Eleby**

9  
10 **VOTE: 6-0 Motion carried**  
11

## 12 **16. Elections**

### 13 14 **(A) President**

15  
16 Ms. Wallisch nominated Dr. Alviso for President; Dr. Alviso accepted the  
17 nomination. No other nominations were made.

18  
19 **MOTION: To elect Dr. Alviso as President.**

20  
21 **M/S: Wallisch**

22  
23 **VOTE: 6-0 Motion carried**  
24

### 25 **(B) Vice-President**

26  
27 Dr. Alviso nominated Ms. Eleby for Vice-President; Ms. Eleby accepted the  
28 nomination. No other nominations were made.

29  
30 **MOTION: To elect Ms. Eleby as Vice-President**

31  
32 **M/S: Alviso/Wallisch**

33  
34 **VOTE: 6-0 Motion carried**  
35

1           **(C) FSBPT Delegate**

2  
3           Dr. Dominguez nominated Dr. Drummer to be the primary FSBPT Delegate; Dr.  
4           Drummer declined the nomination. Dr. Alviso nominated Ms. Eleby; Ms. Eleby  
5           accepted the nomination.

6  
7                   **MOTION:     To elect Ms. Eleby as the FSBPT Delegate**

8  
9                   **M/S:           Alviso**

10  
11                   **VOTE:          6-0 Motion carried**

12  
13           **(D) FSBPT Alternate Delegate**

14  
15           Dr. Alviso nominated Ms. Raben-Amen to be the FSBPT Alternate Delegate; Ms.  
16           Rabena-Amen accepted the nomination.

17  
18                   **MOTION:     To elect Ms. Rabena-Amen as FSBPT Alternate Delegate**

19  
20                   **M/S:           Alviso/Eleby**

21  
22                   **VOTE:          6-0 Motion carried**

23  
24           **(E) FSBPT Back-up Alternate Delegate**

25  
26           The Board determined the following order for who will serve as back-up alternate  
27           delegates:

- 28  
29                   1. President (whomever is serving in this position when the need arises)
- 30                   2. Dr. Dominguez
- 31                   3. Ms. Wallisch
- 32                   4. Dr. Drummer
- 33                   5. Mr. Turner

34  
35                   **VOTE:          6-0 Motion carried**

1  
2 **17. Public Comment on Items Not on the Agenda**

3 *Please note the board may not discuss or take action on any matter raised during this public comment section*  
4 *that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting.*  
5 *[Government Code sections 11125 and 11125.7(a)]*  
6

7 There was no public comment under this item.  
8

9 **18. Agenda Items for Next Meeting – February 11 & 12, 2015**

10  
11 The Board indicated it did not have any specific items for the February 2015 meeting at  
12 this time.  
13

14 **19. Closed Session**

15  
16 **(A) Pursuant to Government Code section 11126(c)(3)**  
17 **Deliberation on Disciplinary Actions**  
18

19 Once issued, disciplinary decision can be found on the Board's website at  
20 [www.ptbc.ca.gov](http://www.ptbc.ca.gov).  
21

22 **(B) Pursuant to Government Code section 11126(c)(1)**  
23 **Prepare, approve, grade or administer examinations**  
24

25 No discussion occurred on this item.  
26

27 **(C) Pursuant to Government Code section 11126(e)**  
28 **US Equal Employment Opportunity Commission (EEOC) Charge**  
29 **Number 555-2012-00027**  
30

31 No discussion occurred on this item.  
32

33 **20. Adjournment**  
34

35 The Board concluded the meeting on Thursday, November 6, 2014 with closed session  
36 and adjourned at approximately 4:50 p.m. upon completion of that agenda item.

Agenda Item 5(B) will be provided under separate cover.

# Physical Therapy Board of California

## Adopted 2015 Meeting Calendar

<u>January</u>						
Su	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

<u>February</u>						
Su	M	T	W	Th	F	S
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<u>March</u>						
Su	M	T	W	Th	F	S
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29	30	31				

<u>April</u>						
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<u>May</u>						
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31						

<u>June</u>						
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<u>July</u>						
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<u>August</u>						
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30	31					

<u>September</u>						
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27	28	29	30			

<u>October</u>						
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<u>November</u>						
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29	30					

<u>December</u>						
Su	M	T	W	Th	F	S
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**January**

1 New Year's Day  
19 Martin Luther King Jr. Day

**April**

5 Easter

**July**

4 Independence Day

**October**

15-17 FSBPT Meeting  
Orlando, FL  
31 Halloween

**February**

1 President's Day  
11-12 PTBC Meeting -  
Sacramento

**May**

10 Mother's Day  
13-14 PTBC Meeting -  
Loma Linda University  
25 Memorial Day

**August**

19-20 PTBC Meeting -  
Sacramento

**November**

5-6 PTBC Meeting -  
Bay Area  
11 Veteran's Day  
26 Thanksgiving

**March**

31 César Chávez Day

**June**

3-6 APTA Conference  
Nat'l Harbor, MD

15 Father's Day

**September**

7 Labor Day  
26-27 CPTA Conference  
Pasadena, CA

**December**

25 Christmas

# Physical Therapy Board of California

## Proposed 2016 Meeting Calendar

<u>January</u>						
Su	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
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31						

<u>April</u>						
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<u>July</u>						
Su	M	T	W	Th	F	S
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31						

<u>October</u>						
Su	M	T	W	Th	F	S
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

<u>February</u>						
Su	M	T	W	Th	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

<u>May</u>						
Su	M	T	W	Th	F	S
1	2	3	4	5	6	7
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**January**

1 New Year's Day  
18 Martin Luther King Jr. Day

**April**

**July**

4 Independence Day

**October**

31 Halloween

**February**

10-11 PTBC Meeting –  
Sacramento  
President's Day

**May**

8 Mother's Day  
18-19 PTBC Meeting –  
Southern California  
30 Memorial Day

**August**

24-25 PTBC Meeting –  
Sacramento

**November**

3-4 PTBC Meeting –  
Bay Area  
11 Veteran's Day  
24 Thanksgiving

**March**

27 Easter  
31 César Chávez Day

**June**

19 Father's Day

**September**

5 Labor Day

**December**

25 Christmas



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



**DATE:** January 05, 2014  
**TO:** Physical Therapy Board of California (Board)  
**SUBJECT:** Executive Officer's Report

This report is to update you on the current status of the Board's operations.

**BUDGET/PERSONNEL** – Since my last report, the Administrative Services program has completed the recruitment process for the Staff Services Analyst (SSA) position within the Application Services program; we would like to welcome Alyasha Crutcher. Ms. Crutcher has been a permanent intermittent (PI) Office Technician (OT) with the PTBC since January of 2009 and has served in a number of roles in the Administrative Services program as well as the Licensing Services program. We consider her a valuable addition and are lucky to have her.

The PTBC would like to acknowledge the retirement of Senior Enforcement Analyst Deborah Nardine. Ms. Nardine served the PTBC, in many capacities, for over 12 years. We wish her well in her retirement, she will be missed. As a result of Ms. Nardine's retirement, the Administrative Services program will begin the recruitment process for her replacement in the Consumer Protection Services program.

Please refer to Agenda Item 11(A) for a more detailed Budget report.

**BreEZe** – As previously reported, the BreEZe project has been a major draw of the PTBC's time and resources. As we move past the design phase of the project, and enter into User Acceptance Testing (UAT), I expect that trend to continue and increase. For example, PTBC staff has compiled a list of over 170 test scripts in consideration of the project. These scripts, or scenarios, are a step by step "test" to identify any problems or gaps with a transaction or process. 170 is just a jumping off point; we will inevitably realize the need for more scripts as the needs reveal themselves in writing each of the 170. Between now and September, each of these scripts will be written in detail and then tested for validity before we enter into UAT Execution. This process also runs parallel to our Data Validation (DV) efforts, and as of February 1, we will also be involved with Organizational Change Management (OCM). This new aspect of the BreEZe project will help us better understand our own business processes and bridge any gaps that we may find through testing.

Each of these efforts; UAT, DV, OCM and a few more that are without acronym, are additions to daily work for staff. We are truly "doing more, with less." I am thankful for the staff we have, they are quite the team, and to add a few more acronyms to the narrative, every team needs their coordinators. Up till now, we've had two, our Business Integration Analyst (BIA) from DCA, Jeannie Wong, and a Single Point of Contact (SPOC) for the project, the PTBC's own

Vincent Azar. They, along with staff, should be credited with the PTBC's success in the BreEZe Project thus far. Sadly, for us, Ms. Wong recently accepted a job with the Contractors State Licensing Board (CSLB). With Mr. Azar's help she was able to keep us in line, organized and managed to meet each of the project deadlines on time. Ms. Wong was an honorary member of our staff, we will miss her. Luckily for us, Mr. Azar is in good company with Ms. Wong's replacement, Kalani Mertyr, the BreEZe Business Project Manager. He has agreed to take us under his wing and will serve as the PTBC's BIA.

**LEGISLATION AND REGULATION** – Please refer to Agenda Items 9 and 10 for a more detailed report.

**OUTREACH** – PTBC staff continue to wage a very creative social media campaign. We've recently had a few mile stones; most notably, we have over 1,700 followers to our page, <https://www.facebook.com/PTBCnews>, which puts us in fourth place for the Department of Consumer Affairs, and first place for a health care board. While we only have 1,700 followers, in January, we were able to reach 4,344 people in a single post by sharing the Yahoo Finance article sighting the best jobs of 2015, in which Physical Therapy came in sixth!

Shortly after the November meeting, PTBC staff published the latest edition of its newsletter, "PTBC Progress Notes – Fall 2014". This was no small task, as we were making changes right down to the publication date. We'd like to express our appreciation to the project coordinator, our former Executive Officer, now retired annuitant, Rebecca Marco for making us look so good. With our resources being pulled in all directions, having Ms. Marco head up our special projects has really been helpful; we don't know what we'd do without her.

While the PTBC relies heavily on social media and publications for outreach, there is no replacement for face-to-face interactions. This year the PTBC will be in attendance at the CPTA's 2015 Student Conclave at California State University, Sacramento (CSUS), where we hope to educate students on the application process as well as the laws and regulations that govern the practice of physical therapy in California. The PTBC is also looking into attending the CPTA Annual Conference in September in Pasadena to provide an update to licensees on laws & regulations.

Please refer to Agenda Item 11(B) for a more detailed report.

**CONTINUING COMPETENCY** – No update at this time; the Continuing Competency program's resources continue to be on loan to the Application and Licensing Services programs. With the upcoming staffing additions, we plan to start addressing the audit backlog, but due to training and transition, there is currently no estimate as to when we will begin.

**APPLICATIONS & LICENSING** – Please refer to Agenda Item 12 for a more detailed report.

**CONSUMER PROTECTION** – Please refer to Agenda Item 13 for a more detailed report.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

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### Briefing Paper

Date: January 30, 2015  
Prepared for: PTBC Members  
Prepared by: Sarah Conley  
Subject: Legislation Report

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### **Purpose:**

To provide an update on pending legislation

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### **Background and Update:**

The 2015-16 legislative session commenced January 5, 2015. The 2015 legislative calendar is included in the meeting materials for your reference. As noted on the calendar, the last day to introduce bills is February 27<sup>th</sup>, so staff continues to monitor newly introduced legislation. The bills that have been identified by staff as bills of interest and were introduced prior to the deadline to complete meeting materials are noted on the agenda. A copy of each of the bills is included in the meeting materials for your review.

At the August 2014 meeting, the Board requested staff submit a legislative proposal to amend Business and Professions Code (BPC) § 2650 to eliminate the eighteen-week clinical experience requirement for physical therapist assistant programs. Previously, SB 198 (Lieu, 2013) amended BPC § 2650 to include both physical therapist (PT) and physical therapist assistant (PTA) educational requirements. BPC § 2650 was drafted with the intent to conform the PTA educational requirements language to the PT educational requirements language, as appropriate. However, a provision was unintentionally added to subdivision (b)(2) requiring PTA education programs to include at least eighteen weeks of full-time clinical experience; PTA education programs may not include eighteen weeks of full-time clinical experience.

Staff submitted the Board's proposal to the Business, Professions and Economic Development Committee (Committee) for inclusion in its omnibus bill. The Committee omnibus bill is intended to be a vehicle for non-controversial, non-substantive statutory changes. The Committee approved the Board's proposal for inclusion in the omnibus bill.

To aid in consideration of the bills noted on the agenda as well as future bills of interest, a copy of the Board's legislative positions is included in the meeting materials; this information was taken from the PTBC's Board Member Administrative Manual.

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**Action Requested:**

After staff presentation at the meeting, consider taking a position on each bill. At this time, staff will most likely recommend a "Watch" position for each bill.

**2015 TENTATIVE LEGISLATIVE CALENDAR**

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE  
10/16/2014

**DEADLINES**

JANUARY						
S	M	T	W	TH	F	S
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- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 5 Legislature reconvenes (J.R. 51(a)(1)).
- Jan. 10 Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 19 Martin Luther King, Jr. Day.
- Jan. 30 Last day to submit bill requests to the Office of Legislative Counsel.

FEBRUARY						
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- Feb. 16 Presidents' Day.
- Feb. 27 Last day for bills to be introduced (J.R. 61(a)(1), (J.R. 54(a)).

MARCH						
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- Mar. 26 Spring Recess begins at end of this day's session (J.R. 51(a)(2)).
- Mar. 30 Cesar Chavez Day.

APRIL						
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- Apr. 6 Legislature reconvenes from Spring Recess (J.R. 51(a)(2)).

MAY						
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- May 1 Last day for policy committees to hear and report to Fiscal Committees fiscal bills introduced in their house (J.R. 61(a)(2)).
- May 15 Last day for policy committees to hear and report to the Floor non-fiscal bills introduced in their house (J.R. 61(a)(3)).
- May 22 Last day for policy committees to meet prior to June 8 (J.R. 61(a)(4)).
- May 25 Memorial Day.
- May 29 Last day for fiscal committees to hear and report to the Floor bills introduced in their house (J.R. 61 (a)(5)). Last day for fiscal committees to meet prior to June 8 (J.R. 61 (a)(6)).

\*Holiday schedule subject to final approval by Rules committee

**2015 TENTATIVE LEGISLATIVE CALENDAR**

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE  
10/16/2014

JUNE						
S	M	T	W	TH	F	S
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**June 1 – 5 Floor Session only.** No committee may meet for any purpose (J.R. 61(a)(7)).

**June 5** Last day for bills to be passed out of the house of origin (J.R. 61(a)(8)).

**June 8** Committee meetings may resume (J.R. 61(a)(9)).

**June 15** Budget must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

JULY						
S	M	T	W	TH	F	S
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**July 3** Independence Day observed.

**July 17** Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).  
**Summer Recess** begins at the end of this day's session, provided Budget has been enacted (J.R. 51(a)(3)).

AUGUST						
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30	31					

**Aug. 17** Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

**Aug. 28** Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(a)(11)).

**Aug. 31 – Sept. 11 Floor Session only.** No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

SEPTEMBER						
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**Sept. 4** Last day to **amend bills** on the Floor (J.R. 61(a)(13)).

**Sept. 7** Labor Day.

**Sept. 11** Last day for **each house to pass bills** (J.R. 61(a)(14)).  
**Interim Study Recess** begins at end of this day's session (J.R. 51(a)(4)).

**IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS**

**2015**

Oct. 11 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 11 and in the Governor's possession after Sept. 11 (Art. IV, Sec.10(b)(1)).

**2016**

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 4 Legislature reconvenes (J.R. 51 (a)(4)).

\*Holiday schedule subject to final approval by Rules committee

**Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation**  
(Board Policy)

The Board adopted the following positions regarding pending or proposed legislation.

**Oppose:** The Board will actively oppose proposed legislation and demonstrate opposition through letters, testimony and other action necessary to communicate the oppose position taken by the Board.

**Oppose, unless Amended:** The Board will take an opposed position and actively lobby the legislature to amend the proposed legislation.

**Neutral:** The Board neither supports nor opposes the addition/amendment/repeal of the statutory provision(s) set forth by the bill.

**Watch:** The watch position adopted by the Board will indicate concern regarding the proposed legislation. Board staff and members will closely monitor the progress of the proposed legislation and amendments.

**Support, if Amended:** The Board will take a supportive position and actively lobby the legislature to amend the proposed legislation.

**Support:** The Board will actively support proposed legislation and demonstrate support through letter, testimony and any other action necessary to communicate the support position taken by the Board.

(Board Policy  
LEG 05-12)

The Board President has the authority to take interim positions on pending legislation on behalf of the Board, if necessary. The interim position taken by the Board President is the interim position of the Board until the next meeting of the Board at which the Board will decide to either ratify the interim position or reject it.

**ASSEMBLY BILL**

**No. 12**

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**Introduced by Assembly Member Cooley**

December 1, 2014

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An act to amend Section 11349.1.5 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, the Government Code, relating to state agency regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as introduced, Cooley. State government: administrative regulations: review.

(1) Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, and after a noticed public hearing, review and revise that agency's regulations to eliminate any inconsistencies, overlaps, or outdated provisions in the regulations, adopt the revisions as emergency regulations, and report to the Legislature and Governor, as specified. The bill would further require each agency to, on or before January 1, 2017, compile an overview of the statutory law that agency administers.

(2) The act requires a state agency proposing to adopt, amend, or repeal a major regulation, as defined, to prepare a standardized regulatory impact analysis of the proposed change. The act requires the office and the Department of Finance to, from time to time, review the

analyses for compliance with specific department regulations. The act further requires the office to, on or before November 1, 2015, submit a report on the analyses to the Senate and Assembly Committees on Governmental Organization, as specified.

This bill would instead require the office and department to annually review the analyses. The bill would also require the office to annually submit a report on the analyses to the Senate Committee on Governmental Organization and the Assembly Committee on Accountability and Administrative Review.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11349.1.5 of the Government Code is  
2 amended to read:

3 11349.1.5. (a) The Department of Finance and the office ~~shall,~~  
4 ~~from time to time,~~ *shall annually* review the standardized  
5 regulatory impact analyses required by subdivision (c) of Section  
6 11346.3 and submitted to the office pursuant to Section 11347.3,  
7 for adherence to the regulations adopted by the department pursuant  
8 to Section 11346.36.

9 (b) (1) On or before November 1, 2015, *and annually thereafter,*  
10 the office shall submit to the Senate ~~and Assembly Committees~~  
11 *Committee on Governmental Organization and the Assembly*  
12 *Committee on Accountability and Administrative Review* a report  
13 describing the extent to which submitted standardized regulatory  
14 impact analyses for proposed major regulations *for the fiscal year*  
15 *ending in June 30, of that year* adhere to the regulations adopted  
16 pursuant to Section 11346.36. The report shall include a discussion  
17 of agency adherence to the regulations as well as a comparison  
18 between various state agencies on the question of adherence. The  
19 report ~~may~~ *shall* also include any recommendations from the office  
20 for actions the Legislature might consider for improving state  
21 ~~agency performance.~~ *performance and compliance in the creation*  
22 *of the standardized regulatory impact analyses as described in*  
23 *Section 11346.3.*

24 (2) *The report shall be submitted in compliance with Section*  
25 *9795 of the Government Code.*

1 (c) In addition to the *annual* report required by subdivision (b),  
2 the office ~~may~~ *shall* notify the Legislature of noncompliance by a  
3 state agency with the regulations adopted pursuant to Section  
4 11346.36, in any manner or form determined by the ~~office~~. *office*  
5 *and shall post the report and notice of noncompliance on the*  
6 *office's Internet Web site.*

7 SEC. 2. Chapter 3.6 (commencing with Section 11366) is added  
8 to Part 1 of Division 3 of Title 2 of the Government Code, to read:

9  
10 CHAPTER 3.6. REGULATORY REFORM

11  
12 Article 1. Findings and Declarations

13  
14 11366. The Legislature finds and declares all of the following:

15 (a) The Administrative Procedure Act (Chapter 3.5 (commencing  
16 with Section 11340), Chapter 4 (commencing with Section 11370),  
17 Chapter 4.5 (commencing with Section 11400), and Chapter 5  
18 (commencing with Section 11500)) requires agencies and the  
19 Office of Administrative Law to review regulations to ensure their  
20 consistency with law and to consider impacts on the state's  
21 economy and businesses, including small businesses.

22 (b) However, the act does not require agencies to individually  
23 review their regulations to identify overlapping, inconsistent,  
24 duplicative, or out-of-date regulations that may exist.

25 (c) At a time when the state's economy is slowly recovering,  
26 unemployment and underemployment continue to affect all  
27 Californians, especially older workers and younger workers who  
28 received college degrees in the last seven years but are still awaiting  
29 their first great job, and with state government improving but in  
30 need of continued fiscal discipline, it is important that state  
31 agencies systematically undertake to identify, publicly review, and  
32 eliminate overlapping, inconsistent, duplicative, or out-of-date  
33 regulations, both to ensure they more efficiently implement and  
34 enforce laws and to reduce unnecessary and outdated rules and  
35 regulations.

36 (d) The purpose of this chapter is to require each agency to  
37 compile an overview of the statutory law that agency oversees or  
38 administers in its regulatory activity that includes a synopsis of  
39 key programs, when each key program was authorized or instituted,

1 and any emerging challenges the agency is encountering with  
2 respect to those programs.

3

4

Article 2. Definitions

5

6 11366.1. For the purpose of this chapter, the following  
7 definitions shall apply:

8 (a) "State agency" means a state agency, as defined in Section  
9 11000, except those state agencies or activities described in Section  
10 11340.9.

11 (b) "Regulation" has the same meaning as provided in Section  
12 11342.600.

13

14

Article 3. State Agency Duties

15

16 11366.2. On or before January 1, 2018, each state agency shall  
17 do all of the following:

18 (a) Review all provisions of the California Code of Regulations  
19 applicable to, or adopted by, that state agency.

20 (b) Identify any regulations that are duplicative, overlapping,  
21 inconsistent, or out of date.

22 (c) Adopt, amend, or repeal regulations to reconcile or eliminate  
23 any duplication, overlap, inconsistencies, or out-of-date provisions.

24 (d) Hold at least one noticed public hearing, that shall be noticed  
25 on the Internet Web site of the state agency, for the purposes of  
26 accepting public comment on proposed revisions to its regulations.

27 (e) Notify the appropriate policy and fiscal committees of each  
28 house of the Legislature of the revisions to regulations that the  
29 state agency proposes to make at least 90 days prior to a noticed  
30 public hearing pursuant to subdivision (d) and at least 90 days  
31 prior to the proposed adoption, amendment, or repeal of the  
32 regulations pursuant to subdivision (f), for the purpose of allowing  
33 those committees to review, and hold hearings on, the proposed  
34 revisions to the regulations.

35 (f) Adopt as emergency regulations, consistent with Section  
36 11346.1, those changes, as provided for in subdivision (c), to a  
37 regulation identified by the state agency as duplicative,  
38 overlapping, inconsistent, or out of date.

39 (g) (1) Report to the Governor and the Legislature on the state  
40 agency's compliance with this chapter, including the number and

1 content of regulations the state agency identifies as duplicative,  
2 overlapping, inconsistent, or out of date, and the state agency's  
3 actions to address those regulations.

4 (2) The report shall be submitted in compliance with Section  
5 9795 of the Government Code.

6 11366.3. (a) On or before January 1, 2018, each agency listed  
7 in Section 12800 shall notify a department, board, or other unit  
8 within that agency of any existing regulations adopted by that  
9 department, board, or other unit that the agency has determined  
10 may be duplicative, overlapping, or inconsistent with a regulation  
11 adopted by another department, board, or other unit within that  
12 agency.

13 (b) A department, board, or other unit within an agency shall  
14 notify that agency of revisions to regulations that it proposes to  
15 make at least 90 days prior to a noticed public hearing pursuant to  
16 subdivision (d) of Section 11366.2 and at least 90 days prior to  
17 adoption, amendment, or repeal of the regulations pursuant to  
18 subdivision (f) of Section 11366.2. The agency shall review the  
19 proposed regulations and make recommendations to the  
20 department, board, or other unit within 30 days of receiving the  
21 notification regarding any duplicative, overlapping, or inconsistent  
22 regulation of another department, board, or other unit within the  
23 agency.

24 11366.4. An agency listed in Section 12800 shall notify a state  
25 agency of any existing regulations adopted by that agency that  
26 may duplicate, overlap, or be inconsistent with the state agency's  
27 regulations.

28 11366.43. On or before January 1, 2017, each state agency  
29 shall compile an overview of the statutory law that state agency  
30 oversees or administers. The overview shall include a synopsis of  
31 the state agency's key programs, when each program was  
32 authorized or instituted, when any statute authorizing a program  
33 was significantly revised to alter, redirect, or extend the original  
34 program and the reason for the revision, if known, and an  
35 identification of any emerging challenges the state agency is  
36 encountering with respect to the programs.

37 11366.45. This chapter shall not be construed to weaken or  
38 undermine in any manner any human health, public or worker  
39 rights, public welfare, environmental, or other protection  
40 established under statute. This chapter shall not be construed to

1 affect the authority or requirement for an agency to adopt  
2 regulations as provided by statute. Rather, it is the intent of the  
3 Legislature to ensure that state agencies focus more efficiently and  
4 directly on their duties as prescribed by law so as to use scarce  
5 public dollars more efficiently to implement the law, while  
6 achieving equal or improved economic and public benefits.

7

8

Article 4. Chapter Repeal

9

10 11366.5. This chapter shall remain in effect only until January  
11 1, 2019, and as of that date is repealed, unless a later enacted  
12 statute, that is enacted before January 1, 2019, deletes or extends  
13 that date.

O

**ASSEMBLY BILL**

**No. 19**

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**Introduced by Assembly Member Chang**

December 1, 2014

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An act relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as introduced, Chang. State government: regulations.

The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. The act requires the Office of Administrative Law to provide for the official compilation, printing, and publication of state agency regulations, known as the California Code of Regulations.

This bill would state the intent of the Legislature to enact legislation requiring state agencies and departments to review existing regulations for relevance, redundancy, and impact on the business community.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation requiring state agencies and departments to review
- 3 existing regulations for relevance, redundancy, and impact on the
- 4 business community.

O

**ASSEMBLY BILL**

**No. 85**

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**Introduced by Assembly Member Wilk**

January 6, 2015

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An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 85, as introduced, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would make legislative findings and declarations, including, but not limited to, a statement of the Legislature's intent that this bill is declaratory of existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The unpublished decision of the Third District Court of  
4 Appeals in *Funeral Security Plans v. State Board of Funeral*  
5 *Directors* (1994) 28 Cal. App.4th 1470 is an accurate reflection of  
6 legislative intent with respect to the applicability of the  
7 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
8 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
9 the Government Code) to a two-member standing advisory  
10 committee of a state body.

11 (b) A two-member committee of a state body, even if operating  
12 solely in an advisory capacity, already is a "state body," as defined  
13 in subdivision (d) of Section 11121 of the Government Code, if a  
14 member of the state body sits on the committee and the committee  
15 receives funds from the state body.

16 (c) It is the intent of the Legislature that this bill is declaratory  
17 of existing law.

18 SEC. 2. Section 11121 of the Government Code is amended  
19 to read:

20 11121. As used in this article, "state body" means each of the  
21 following:

22 (a) Every state board, or commission, or similar multimember  
23 body of the state that is created by statute or required by law to  
24 conduct official meetings and every commission created by  
25 executive order.

26 (b) A board, commission, committee, or similar multimember  
27 body that exercises any authority of a state body delegated to it by  
28 that state body.

29 (c) An advisory board, advisory commission, advisory  
30 committee, advisory subcommittee, or similar multimember  
31 advisory body of a state body, if created by formal action of the  
32 state body or of any member of the state body, and if the advisory  
33 body so created consists of three or more ~~persons~~ *persons, except*  
34 *as in subdivision (d).*

1 (d) A board, commission, committee, or similar multimember  
2 body on which a member of a body that is a state body pursuant  
3 to this section serves in his or her official capacity as a  
4 representative of that state body and that is supported, in whole or  
5 in part, by funds provided by the state body, whether the  
6 multimember body is organized and operated by the state body or  
7 by a private corporation.

8 SEC. 3. This act is an urgency statute necessary for the  
9 immediate preservation of the public peace, health, or safety within  
10 the meaning of Article IV of the Constitution and shall go into  
11 immediate effect. The facts constituting the necessity are:

12 In order to avoid unnecessary litigation and ensure the people's  
13 right to access the meetings of public bodies pursuant to Section  
14 3 of Article 1 of the California Constitution, it is necessary that  
15 act take effect immediately

**ASSEMBLY BILL**

**No. 161**

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**Introduced by Assembly Member Chau**

January 21, 2015

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An act to add Chapter 2.7 (commencing with Section 18898) to Division 8 of the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

AB 161, as introduced, Chau. Athletic trainers.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would make it unlawful for any person to hold himself or herself out as an athletic trainer or a certified athletic trainer, or to use specified terms to imply or suggest that the person is an athletic trainer, unless he or she is certified by the Board of Certification, Inc., and has either graduated from a college or university, after completing an accredited athletic training education program, as specified, or completed eligibility requirements for certification by the Board of Certification, Inc., prior to January 1, 2004. The bill would make it an unfair business practice to use the title "athletic trainer," "certified athletic trainer," or other specified terms that imply or suggest that the person is an athletic trainer if he or she does not meet the requirements described above.

This bill, notwithstanding these provisions, would authorize a person who has worked as an athletic trainer in California for a period of 20 consecutive years prior to January 1, 2015, and who is not otherwise eligible to use the title "athletic trainer," to use that title.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 2.7 (commencing with Section 18898)  
2 is added to Division 8 of the Business and Professions Code, to  
3 read:

4  
5

CHAPTER 2.7. ATHLETIC TRAINERS

6

7 18898. (a) A person shall not hold himself or herself out to be  
8 an athletic trainer or a certified athletic trainer, or use the term  
9 "AT," "ATC," or "CAT" to imply or suggest that the person is an  
10 athletic trainer, unless he or she meets the following requirements:

- 11 (1) He or she has done either of the following:
  - 12 (A) Graduated from a college or university after completing an
  - 13 athletic training education program accredited by the Commission
  - 14 on Accreditation of Athletic Training Education, or its predecessors
  - 15 or successors.
  - 16 (B) Completed eligibility requirements for certification by the
  - 17 Board of Certification, Inc., prior to January 1, 2004.

18 (2) He or she is certified by the Board of Certification, Inc.  
19 (b) It is an unfair business practice within the meaning of  
20 Chapter 5 (commencing with Section 17200) of Part 2 of Division  
21 7 for a person to use the title "athletic trainer," "certified athletic  
22 trainer" or any other term, such as "certified," "licensed,"  
23 "registered," "AT," "ATC," or "CAT," that implies or suggests  
24 that the person is an athletic trainer, if he or she does not meet the  
25 requirements of subdivision (a).

26 18899. Notwithstanding Section 18898, a person who has  
27 worked as an athletic trainer in California for a period of 20  
28 consecutive years prior to January 1, 2015, and who is not  
29 otherwise eligible to use the title "athletic trainer," may use the  
30 title "athletic trainer."

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Introduced by Senator Walters

December 19, 2014

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An act to amend Section 104 of the Business and Professions Code, relating to regulatory boards.

LEGISLATIVE COUNSEL'S DIGEST

SB 52, as introduced, Walters. Regulatory boards: healing arts.

Existing law creates various regulatory boards within the Department of Consumer Affairs. Existing law authorizes health-related boards to adopt regulations requiring a licensee to display his or her license or registration in the locality in which he or she is treating patients and to make specified disclosures to patients.

This bill would make technical changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 104 of the Business and Professions Code  
2 is amended to read:  
3 104. All boards or other regulatory entities within the  
4 department's jurisdiction that the department determines to be  
5 ~~health-related~~ *health related* may adopt regulations to require  
6 ~~licensees a licensee~~ to display ~~their licenses or registrations~~ *his or*  
7 *her license or registration* in the locality in which ~~they are~~ *he or*  
8 *she is* treating patients, and to inform patients as to the identity of  
9 the regulatory agency they may contact if they have any questions  
10 or complaints regarding the licensee. In complying with this  
11 requirement, ~~these~~ *these* boards may take into consideration the

- 1 particular settings in which ~~licensees practice~~ *a licensee practices*,
- 2 or other circumstances ~~which~~ *that* may make ~~the~~ displaying or
- 3 providing ~~of~~ information to the consumer extremely difficult for
- 4 the licensee in ~~their~~ *his or her* particular type of practice.

O



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



### Briefing Paper

Date: January 30, 2015  
Prepared for: PTBC Members  
Prepared by: Sarah Conley  
Subject: Rulemaking Report

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### **Purpose:**

To update the Board on rulemaking

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### **Background:**

At the November 2014 meeting, the Board adopted the 2015 Rulemaking Calendar as required by Government Code (GC) § 11017.6. The rulemaking calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website.

From the 2015 Rulemaking Calendar, staff developed a rulemaking tracking form on which all rulemaking progress is noted and reported to the Board at its quarterly meetings.

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### **Action Requested:**

No action is requested on presentation of the rulemaking report; however, staff is requesting action for specific rulemaking items, which will be addressed during the presentation of those agenda items – agenda items 4(A) and 4(B).

**License Renewal Exemptions: Retired Status**



11/2014

**OAL No.:**

**Notes:**

**Requirements for Graduates from Non-Accredited Programs: Test of English as a Foreign Language (TOEFL)**



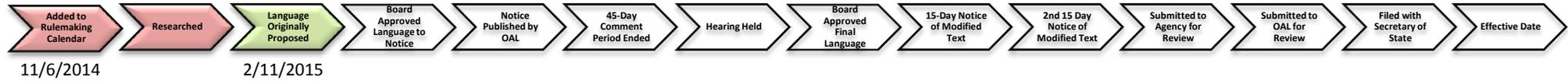
11/2014

2/11/2015

**OAL No.:**

**Notes:** Business and Profession Code (BPC) § 2653 was amended by SB 198 (Lieu, 2013), which added a provision requiring applicants who graduated from non-accredited physical therapist programs to demonstrate English proficiency by achieving a score specified by the Board on the TOEFL. English proficiency (passing score on the TOEFL) is currently being verified by each credential evaluation service when an applicant’s education is evaluated. This regulation will 1) provide for specific exemptions to the TOEFL requirement, 2) set a Board established passing score, and 3) specify how long a TOEFL score is valid. Presentation of this item will occur under agenda item 4(B).

## Fee Increase



### OAL No.:

**Notes:** At the November 2014 meeting, staff identified the need for a fee increase and presented information to that effect. The Board, by motion, directed staff to conduct further assessment of the fund condition and research details of a fee increase, then bring those findings back to the next meeting. Since presentation of the issue at the November meeting, staff has identified that the implementation of a fee increase is of even greater urgency; therefore, staff is presenting that which the Board requested the November meeting as well as draft fee regulatory language for Board consideration. Presentation of this item will occur under agenda item 4(A).

## Agenda Item 10 – Rulemaking Report

Processing Times

- The “Added to Rulemaking Calendar” date is the date the Board adopts the Rulemaking Calendar.
- A rulemaking file must be completed within one year of the publication date of the Notice of Proposed Action. The OAL issues the Notice File Number upon filing the Notice of Proposed Action.
- The DCA is allowed thirty calendar days to review the rulemaking file prior to submission to the Dept. of Finance (DOF).
- The DOF is allowed thirty days to review the rulemaking file prior to submission to the OAL.
- The OAL is allowed thirty working days to review the file and determine whether to approve or disapprove it. The OAL issues the Regulatory Action Number upon submission of the rulemaking file for final review.
- Pursuant to Government Code section 11343.4, as amended by Section 2 of Chapter 295 of the Statutes of 2012 (SB 1099, Wright), regulation effective dates are as follows:

<u>Date Filed with the Secretary of State</u>	<u>Effective Date</u>
September 1 <sup>st</sup> – November 30 <sup>th</sup> .....	January 1 <sup>st</sup>
December 1 <sup>st</sup> – February 29 <sup>th</sup> .....	April 1 <sup>st</sup>
March 1 <sup>st</sup> – May 31 <sup>st</sup> .....	July 1 <sup>st</sup>
June 1 <sup>st</sup> – August 31 <sup>st</sup> .....	October 1st

Agenda Item 10 – Rulemaking Report



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

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### **Briefing Paper**

**Date:** January 30, 2015  
**Prepared for:** PTBC Members  
**Prepared by:** Carl Nelson  
**Subject:** Physical Therapy Board Budget Report

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#### **Purpose:**

To provide an update on the PTBC Current Year (CY) 2014/15 second quarter Budget Report.

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#### **Background and Update:**

Based on current year expenditures and revenue, the PTBC staff projects to overspend its budget authority due to Attorney General and Office of Administrative Hearings projected expenditures. The AG line item is 68% expended and the OAH line item is 66% expended. At this pace the Board will over expend both lines and will require an augmentation of the AG budget. The Board staff has prepared a request for this augmentation.

Personnel Services expenditures are \$800,767 or 48% of the personnel services budget. Total Operating Expense and Equipment and Expenses expenditures are \$1,128,375 or 49% of the Operating Expenses and Equipment Budget. Currently all line items to date show a positive balance.

In Personnel services, management has continued with its efforts to move temporary help out of the blanket and into permanent positions. This will positively affect the personnel services budget as the year progresses.

The Minor Equipment line item budget is currently 80% expended. The staff is not planning any additional minor equipment purchases at this time. Budget staff continues to monitor the budget closely as the fiscal year progresses.

Revenue collection is consistent with recent past year second quarter reports and stands at \$2,036,495, including reimbursements.

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#### **Action Requested:**

No Action from the Board Members is requested at this time due to the informational nature of this report.

Agenda Item 11(A) – Budget Report

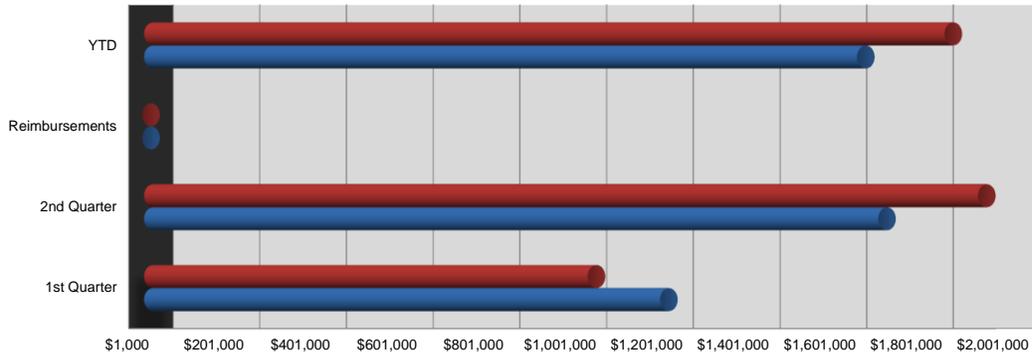
**Physical Therapy Board of California**  
**BY 2014-15 Quarterly Expenditure Report**  
**2nd Quarter (7/1/14 - 12/31/14)**

Budget Line-Items	FY 2013-14		CY 2014-15			
	Expended (As of 12/31/13)	Expenditures (Year-end)	Authorized Budget	Expended (As of 12/31/14)	% Budget	Balance
<b>Personnel Services</b>						
<b>Personnel Services Totals</b>	<b>666,955</b>	<b>1,340,968</b>	<b>1,673,117</b>	<b>800,767</b>	<b>48%</b>	<b>872,350</b>
Civil Services Permanent	351,903	715,736	1,001,222	436,114	44%	565,108
Statutory Exempt	37,782	77,266	79,344	37,705	48%	41,639
Temp help	46,330	76,914	0	40,464	-	(40,464)
Board Members	7,500	29,200	11,786	14,700	125%	-2,914
Overtime	725	1,401	0	0	-	0
Staff Benefits	222,715	440,451	580,765	271,784	47%	308,981
<b>*TOTAL PERS SVS</b>	<b>666,955</b>	<b>1,340,968</b>	<b>1,673,117</b>	<b>800,767</b>	<b>48%</b>	<b>872,350</b>
<b>Operating Expenses &amp; Equipment</b>						
<b>General Services Totals</b>	<b>119,380</b>	<b>302,719</b>	<b>422,438</b>	<b>118,440</b>	<b>28%</b>	<b>303,998</b>
Fingerprints	15,386	31,864	99,090	13,439	14%	85,651
General Expense	7,727	20,809	47,631	9,177	19%	38,454
Minor Equipment	4,482	47,110	3,300	2,673	81%	627
Major Equipment	0	5,579	6,000	0	0%	6,000
Printing	2,299	8,661	8,661	2,031	23%	6,630
Communications	3,611	10,918	10,918	3,287	30%	7,631
Postage	16,997	29,973	29,973	15,066	50%	14,907
Travel in State	2,956	18,324	18,324	5,995	33%	12,329
Training	860	988	2,577	430	17%	2,147
Facilities Operations	55,754	105,782	118,121	56,351	48%	61,770
C&P Services Interdepartmental	0	20	1,828	0	0%	1,828
C&P Services External	9,308	22,691	76,015	9,991	13%	66,024
<b>Departmental Services Totals</b>	<b>315,898</b>	<b>604,002</b>	<b>732,303</b>	<b>355,584</b>	<b>49%</b>	<b>376,719</b>
OIS Pro Rata	150,560	270,921	347,088	170,394	49%	176,694
Indirect Dist. Cost	67,820	137,509	188,066	90,432	48%	97,634
Interagency Services	0	0	2,136	0	0%	2,136
DOI Pro Rata	2,170	4,382	5,852	2,822	48%	3,030
Public Affairs Pro Rata	3,048	5,065	5,729	2,752	48%	2,977
CCED Pro Rata	2,590	5,000	6,229	3,020	48%	3,209
Consolidated Data Center	732	860	1,722	470	27%	1,252
Data Processing	1,965	6,240	5,930	918	15%	5,012
Central Admin Services Pro Rata	87,013	174,025	169,551	84,776	50%	84,775
<b>Exams Totals</b>	<b>2,630</b>	<b>7,050</b>	<b>9,120</b>	<b>2,458</b>	<b>0%</b>	<b>6,662</b>
Admin and C/P Services External	0	0	0	0	-	0
Exam Contracts	2,630	7,050	9,120	2,458	27%	6,662
Exam Subject Matter Experts	0	0	0	0	-	0
<b>Enforcement Totals</b>	<b>593,572</b>	<b>1,252,028</b>	<b>1,162,611</b>	<b>651,893</b>	<b>56%</b>	<b>510,718</b>
Attorney General	334,362	660,744	427,668	291,068	68%	136,600
Office of Admin Hearings	24,188	87,970	59,584	39,256	66%	20,328
Evidence/Witness	34,154	90,295	100,145	42,392	42%	57,753
Court Reporters	718	5,042	0	1,783	-	(1,783)
DOI Investigation	200,150	407,977	575,214	277,394	48%	297,820
<b>*TOTALS OE &amp; E</b>	<b>1,031,480</b>	<b>2,165,799</b>	<b>2,326,472</b>	<b>1,128,375</b>	<b>49%</b>	<b>1,198,097</b>
<b>*TOTALS, PERS SVS AND OE &amp; E</b>	<b>1,698,435</b>	<b>3,506,767</b>	<b>3,999,589</b>	<b>1,929,142</b>	<b>48%</b>	<b>2,070,447</b>
Scheduled Reimbursements	(18,868)	(43,298)	(99,000)	(19,901)		(70,684)
Unsheduled Reimbursements	(30,128)	(55,702)	0	(57,540)		26,995
<b>**TOTALS</b>	<b>1,649,439</b>	<b>3,407,767</b>	<b>3,900,589</b>	<b>1,851,701</b>	<b>47%</b>	<b>2,026,758</b>

\* Reflects totals for budget category. \*\* Reflects totals authorized budget and expenditures (includes reimbursements).

**Physical Therapy Board of California  
CY 2014-15 Quarterly Expenditure Measures  
2nd Quarter (As of 12/31/14)**

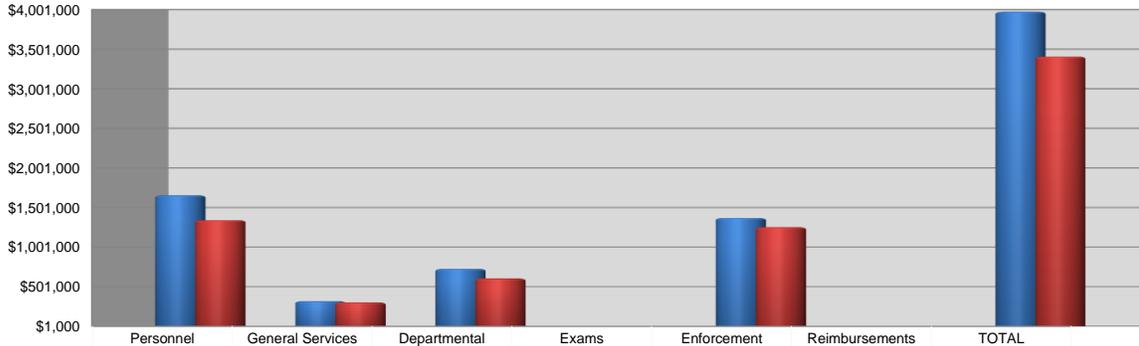
**Quarterly Expenditure Measures**



	1st Quarter	2nd Quarter	Reimbursements	YTD
*FY 2014-15 Expenditures	\$1,028,260	\$1,929,142	(\$77,441)	\$1,851,701
**FY 2013-14 Expenditures	\$1,195,229	\$1,698,435	(\$48,996)	\$1,649,439

\* Budget Authority \$3,900,589  
\*\* Budget Authority \$3,419,599

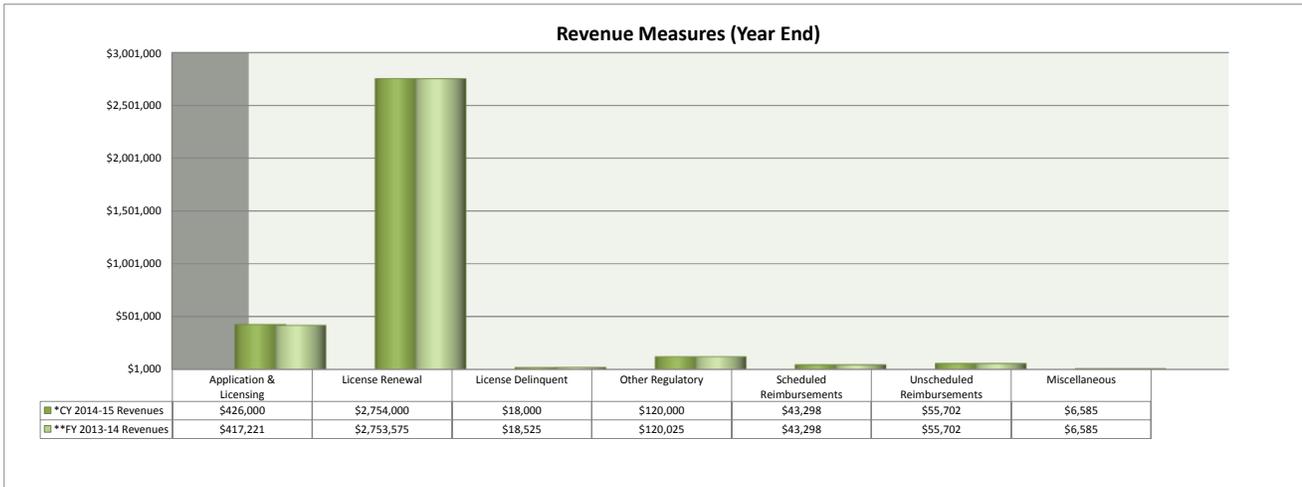
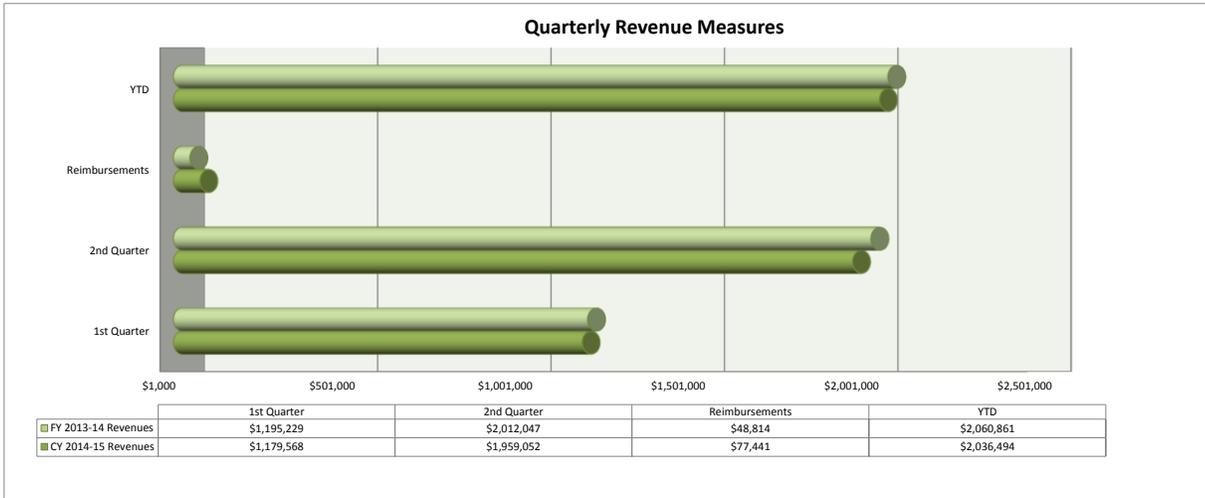
**Expenditure Measures (Year End)**



	Personnel Services	General Services	Departmental Services	Exams	Enforcement	Reimbursements	TOTAL
*CY 2014-15 Expenditures	\$1,654,896	\$318,111	\$725,291	\$7,050	\$1,368,231	(\$99,000)	\$3,974,579
**FY 2013-14 Expenditures	\$1,340,968	\$302,719	\$604,002	\$7,050	\$1,252,028	(\$99,000)	\$3,407,767

\*CY 2014-15 Projections Year End  
\*\*FY 2013-14 Actual Expenditures Year End

**Physical Therapy Board of California  
CY 2014-15 Quarterly Revenue Measures  
2nd Quarter (As of 12/31/14)**



\*CY 2014-15 Projections Year End  
\*\*FY 2013-14 Actual Year End



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

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### Briefing Paper

Date: January 30, 2015  
Prepared for: PTBC Members  
Prepared by: Jacki Maciel  
Subject: Outreach Report

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### **Purpose:**

To provide an update on outreach statistics

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### **Background and Update:**

As illustrated, the outreach statistics include quarterly statistics regarding the PTBC's social media statistics for both FY 2013-14 and CY 2014-15, which includes the Board's website and Facebook accounts.

In comparison to FY 2013-14 to CY 2014-15, the PTBC staff identified, its Facebook page reflects a vast increase in our fans from the previous year. Utilizing social media such as Facebook and Twitter, allows the PTBC to post pertinent information such as testing dates, discipline alerts and direct links for address changes and other resourceful information for Licensee's and Consumers.

In analyzing this fiscal year data, the PTBC identified that:

- The Facebook "Likes" have increased by 5.4% compare to 1<sup>st</sup> quarter.
- The PTBC "Forms" tab significantly increased by 27.38% compared to last fiscal year, which may suggest an increase of PT and PTA applicants; and,
- The PTBC "Laws" tab increased by 19.60%

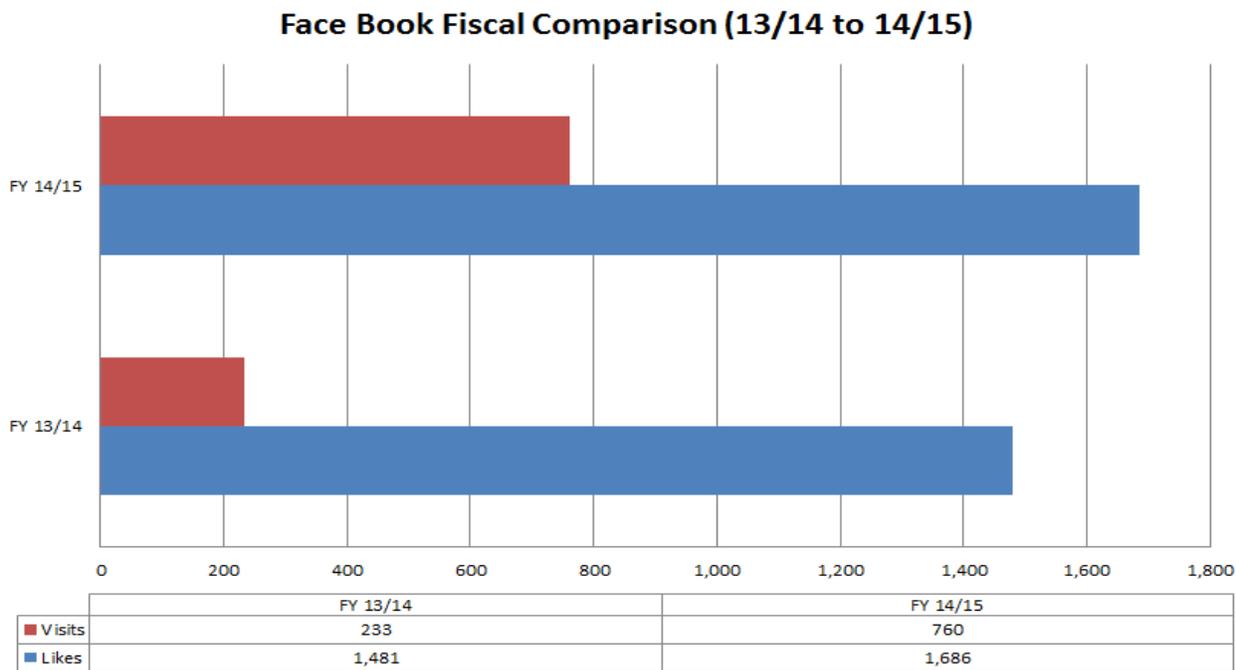
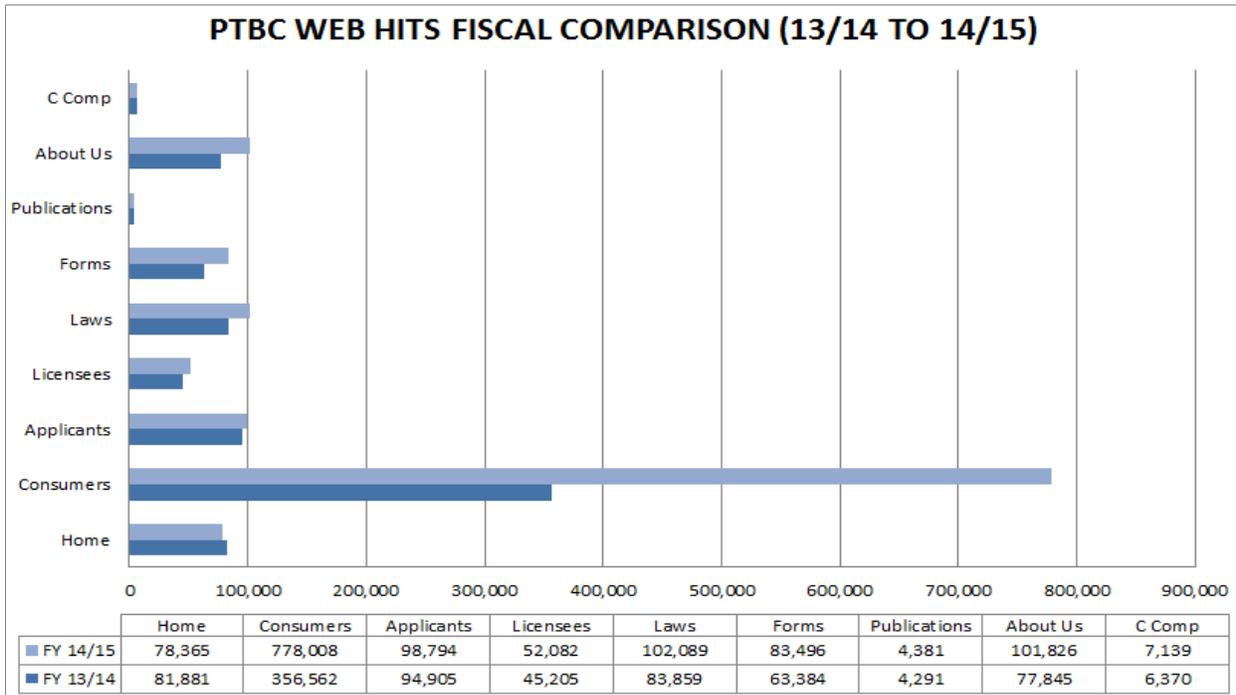
The use of Social media continues to be a valuable resource to share and educate the physical therapist and consumer community. In fact, within DCA as an entity, the PTBC Facebook account is ranked 4<sup>th</sup> in comparison with all boards/bureaus and rank 1 within the healing arts boards/bureaus.

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### **Action Requested:**

The PTBC is requesting Board Members for articles of interest, etc. in preparation for PTBC's New Letter, which is anticipated to issue this summer. If any questions, please contact Jacki Maciel at [jacki.maciel@dca.ca.gov](mailto:jacki.maciel@dca.ca.gov)

Physical Therapy Board of California  
 FY 2014-15 – Outreach Quarterly Report  
 2<sup>nd</sup> Quarter (7/1/14 – 12/31/14)





Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

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### **Briefing Paper**

**Date:** January 30, 2015  
**Prepared for:** PTBC Members  
**Prepared by:** Liz Constancio  
**Subject:** Physical Therapy Application and Licensing Report

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### **Purpose:**

To provide an update on the PTBC Current Year (CY) 2014/15 second quarter Application and Licensing Report.

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### **Background and Update:**

Historically, the ALSP workload has consistently increased each year. The PTBC remains consistent with its increase in workload, more so, within its licensing services. In part, this increase is due the increased licensing requirements pursuant to the revised Practice Act, effective January 2014. The revisions required PTBC to allow renewal fee exemption and waivers for applicants meeting renewal requirements for; military, disability, voluntary/unpaid services; and, retired status.

Currently (as of 12/31/14), the PTBC has a current licensee population of 27,931, this does not include inactive, delinquent; or, licensees renewing in fee exemption/waiver status.

In analyzing CY 2014/15 2<sup>nd</sup> quarter data in comparison to FY 2013/14 2<sup>nd</sup> quarter data, the PTBC identified:

- 1,073 new applications were received; 921 licenses were issued; and, 6,358 licenses were renewed. The Application Statistics had a slight overall decrease of 6%, resulting from issuing 923 licenses and processing 7,022 renewals in FY13/14.
- 27,931 licensees were in active status (held a valid/current license); 1,888 were inactive status, 4,759 were delinquent; and, 54 renewed their license in military (1) and retired (53) status. The Licensing Status Statistics had a 3% increase, which was a direct result of increased licensee population and the increase of the newly implemented renewal fee exemption/waiver.

In addition, the PTBC conducted a basic analysis of the FSBPT's examination statistics, specifically California statistics, and identified:

- 878 applicants participated in the National Physical Therapy Exam (NPTE); 574 physical therapist (PT) and 304 physical therapist assistant (PTA), with a 68% total pass rate. The NPTE statistics also reflects a slight decrease in participation; thus, a decrease in the pass ratio from FY 13/14 to CY 14/15. In part, this may have been a result of the change in the PT educational requirements, i.e., doctorate/master program, which has increased graduation time frames, which affects students from participating in the exam.
  - 1,581 applicants participated in the California Law Exam (CLE), with a 7% increase in the pass ratio from FY 13/14 to CY 14/15.
- 

**Action Requested:**

No action is requested at this time due to the informational nature of this report.

**Application and Licensing Quarterly Report  
CY 2014-15 (2nd Quarter)**

**Physical Therapy Board of California - APPLICATION STATISTICS**

**Applications Received**

Application Type	1st Quarter	2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
PT	358	256	614	105	212	102	73	60	106	658
FOREIGN PT	78	78	156	19	24	16	18	11	14	102
FOREIGN PTA	12	14	26	11	27	1	3	5	4	51
PTA	83	84	167	47	27	20	76	67	19	256
EQUIV PTA	1	1	2	2	3	0	0	0	1	6
EK	0	0	0	0	0	0	0	0	0	0
EN	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>532</b>	<b>433</b>	<b>965</b>	<b>184</b>	<b>293</b>	<b>139</b>	<b>170</b>	<b>143</b>	<b>144</b>	<b>1,073</b>

**Licenses Issued**

License Type	1st Quarter	2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
PT	395	335	730	70	48	211	129	110	118	686
PTA	86	107	193	18	32	53	54	35	43	235
EK	0	0	0	0	0	0	0	0	0	0
EN	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>481</b>	<b>442</b>	<b>923</b>	<b>88</b>	<b>80</b>	<b>264</b>	<b>183</b>	<b>145</b>	<b>161</b>	<b>921</b>

*\*Licensing Statistics will not match the Application Statistics due to the length of time an application may remain on file.*

**Licenses Renewed**

License Type	1st Quarter	2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
PT	2,887	2,760	5,647	831	955	871	1,027	711	844	5,239
PTA	697	666	1,363	22	255	205	257	166	205	1,110
EK	6	1	7	2	0	0	1	2	2	7
EN	3	2	5	0	1	1	0	0	0	2
<b>Total</b>	<b>3,593</b>	<b>3,429</b>	<b>7,022</b>	<b>855</b>	<b>1,211</b>	<b>1,077</b>	<b>1,285</b>	<b>879</b>	<b>1,051</b>	<b>6,358</b>

**Application and Licensing Quarterly Report  
CY 2014-15 (2nd Quarter)**

**Physical Therapy Board of California- LICENSING STATUS STATISTICS**

**Active Licenses**

License Type	1st Quarter	2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
PT	21,847	21,947	21,947	21,190	22,099	22,159	22,235	22,284	22,374	22,374
PTA	5,282	5,335	5,335	5,404	5,376	5,407	5,426	5,461	5,504	5,504
EK	29	30	30	30	30	30	30	30	30	30
EN	21	21	21	24	24	23	23	23	23	23
<b>Total</b>	<b>27,179</b>	<b>27,333</b>	<b>27,333</b>	<b>26,648</b>	<b>27,529</b>	<b>27,619</b>	<b>27,714</b>	<b>27,798</b>	<b>27,931</b>	<b>27,931</b>

**Inactive Licenses**

License Type	1st Quarter	2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
PT	1,480	1,498	1,522	1,396	1,421	1,454	1,452	1,476	1,489	1,489
PTA	415	417	424	381	386	392	391	398	399	399
<b>Total</b>	<b>1,895</b>	<b>1,915</b>	<b>1,946</b>	<b>1,777</b>	<b>1,807</b>	<b>1,846</b>	<b>1,843</b>	<b>1,874</b>	<b>1,888</b>	<b>1,888</b>

*Licenseses in inactive status are eligible for active/valid status upon fulfilling renewal requirements.*

**Delinquent Licenses**

License Type	1st Quarter	2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
PT	3,453	3,398	3,435	3,530	3,642	3,667	3,715	3,731	3,704	3,704
PTA	986	979	994	1,030	1,058	1,060	1,062	1,064	1,047	1,047
EK	3	3	3	3	3	2	2	2	2	2
EN	5	5	5	5	5	5	6	6	6	6
<b>Total</b>	<b>4,447</b>	<b>4,385</b>	<b>4,437</b>	<b>4,568</b>	<b>4,708</b>	<b>4,734</b>	<b>4,785</b>	<b>4,803</b>	<b>4,759</b>	<b>4,759</b>

*Licenseses in delinquent status are eligible to renew their license and may obtain active/valid status upon compliance.*

**Renewal Licenses - Fee Exemption/Waiver**

License Type	1st Quarter	2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
Military (E)	1	1	1	1	1	1	1	1	1	1
Disability (W)	0	0	0	0	0	0	0	0	0	0
Voluntary/Unpaid Services (W)	0	0	0	0	0	0	0	0	0	0
Retired Status (E)	1	1	1	30	35	42	43	47	53	53
<b>Total</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>31</b>	<b>36</b>	<b>43</b>	<b>44</b>	<b>48</b>	<b>54</b>	<b>54</b>

**Application and Licensing Quarterly Report  
CY 2014-15 (2nd Quarter)**

**Federation of State Boards Physical Therapy - Examination Statistics**

**National Physical Therapist / Physical Therapist Assistant (PTA) Examination - CALIFORNIA STATISTICS**

**Accredited PT Program Pass/Fail**

	1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
	Jul	Aug			Sep	Oct	Nov	Dec			
Pass	228	196	424	217			175			392	
Fail	27	40	67	29			50			79	
<b>Total</b>	<b>255</b>	<b>236</b>	<b>491</b>	<b>246</b>			<b>225</b>			<b>471</b>	
<b>Pass Rate</b>	<b>89%</b>	<b>83%</b>	<b>86%</b>	<b>88%</b>			<b>78%</b>			<b>83%</b>	

**Foreign Educated PT Pass/Fail**

	1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
	Jul	Aug			Sep	Oct	Nov	Dec			
Pass	5	8	13	11			3			14	
Fail	57	59	116	42			47			89	
<b>Total</b>	<b>62</b>	<b>67</b>	<b>129</b>	<b>53</b>			<b>50</b>			<b>103</b>	
<b>Pass Rate</b>	<b>8%</b>	<b>12%</b>	<b>10%</b>	<b>21%</b>			<b>6%</b>			<b>14%</b>	

**Accredited PTA Program Pass/Fail**

	1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
	Jul	Aug			Sep	Oct	Nov	Dec			
Pass	74	97	171	99			68			167	
Fail	28	38	66	50			37			87	
<b>Total</b>	<b>102</b>	<b>135</b>	<b>237</b>	<b>149</b>			<b>105</b>			<b>254</b>	
<b>Pass Rate</b>	<b>73%</b>	<b>72%</b>	<b>72%</b>	<b>66%</b>			<b>65%</b>			<b>66%</b>	

**Foreign Educated PTA Pass/Fail**

	1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
	Jul	Aug			Sep	Oct	Nov	Dec			
Pass	5	6	11	19			6			25	
Fail	11	9	20	10			15			25	
<b>Total</b>	<b>16</b>	<b>15</b>	<b>31</b>	<b>29</b>			<b>21</b>			<b>50</b>	
<b>Pass Rate</b>	<b>31%</b>	<b>40%</b>	<b>35%</b>	<b>66%</b>			<b>29%</b>			<b>50%</b>	

*No statistics to report for both 1st/2nd Quarters for both FY 13/14 and CY 14/15*

**Application and Licensing Quarterly Report  
CY 2014-15 (2nd Quarter)**

**Federation of State Boards Physical Therapy - Examination Statistics**

**California Law Examination (CLE)**

**Accredited Pass/Fail**

1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
Pass	499	358	<b>857</b>	225	158	117	133	165	120	<b>918</b>
Fail	303	204	<b>507</b>	123	73	47	74	73	47	<b>437</b>
<b>Total</b>	<b>802</b>	<b>562</b>	<b>1364</b>	<b>348</b>	<b>231</b>	<b>164</b>	<b>207</b>	<b>238</b>	<b>167</b>	<b>1,355</b>
<b>Pass Rate</b>	<b>62%</b>	<b>64%</b>	<b>63%</b>	<b>65%</b>	<b>68%</b>	<b>71%</b>	<b>64%</b>	<b>69%</b>	<b>72%</b>	<b>68%</b>

**Foreign Educated Pass/Fail**

1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
Pass	62	46	<b>108</b>	14	24	20	32	18	10	<b>118</b>
Fail	78	56	<b>134</b>	16	31	17	20	12	12	<b>108</b>
<b>Total</b>	<b>140</b>	<b>102</b>	<b>242</b>	<b>30</b>	<b>55</b>	<b>37</b>	<b>52</b>	<b>30</b>	<b>22</b>	<b>226</b>
<b>Pass Rate</b>	<b>44%</b>	<b>45%</b>	<b>45%</b>	<b>47%</b>	<b>44%</b>	<b>54%</b>	<b>62%</b>	<b>60%</b>	<b>45%</b>	<b>52%</b>

**Application and Licensing Quarterly Report  
CY 2014-15 (2nd Quarter)**

**Federation of State Boards Physical Therapy - Examination Statistics**

**National PT and PTA Examination - NATIONAL STATISTICS**

**Accredited PT/PTA Program Pass/Fail**

1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
PT				Jul	Aug	Sep	Oct	Nov	Dec	
Pass	4,528	1,366	5,894	4,575			1,375	1		5,951
Fail	701	505	1,206	562			504	1		1,067
<b>Total</b>	<b>5,229</b>	<b>1,871</b>	<b>7,100</b>	<b>5,137</b>			<b>1,879</b>	<b>2</b>		<b>7,018</b>
<b>Pass Rate</b>	<b>87%</b>	<b>73%</b>	<b>83%</b>	<b>89%</b>			<b>73%</b>			<b>85%</b>

**Foreign Educated PT/PTA Pass/Fail**

1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
PT				Jul	Aug	Sep	Oct	Nov	Dec	
Pass	256	318	574	239			183			422
Fail	1,026	956	1,982	779			923			1,702
<b>Total</b>	<b>1,282</b>	<b>1,274</b>	<b>2,556</b>	<b>1,018</b>			<b>1,106</b>			<b>2,124</b>
<b>Pass Rate</b>	<b>20%</b>	<b>25%</b>	<b>22%</b>	<b>30%</b>			<b>20%</b>			<b>20%</b>

**Accredited PT/PTA Program Pass/Fail**

1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
PTA				Jul	Aug	Sep	Oct	Nov	Dec	
Pass	3,078	1,308	4,386	3,181			1,343	6		4,530
Fail	784	654	1,438	654			564	5		1,223
<b>Total</b>	<b>3,862</b>	<b>1,962</b>	<b>5,824</b>	<b>3,835</b>			<b>1,907</b>	<b>11</b>		<b>5,753</b>
<b>Pass Rate</b>	<b>80%</b>	<b>67%</b>	<b>75%</b>	<b>83%</b>			<b>70%</b>	<b>55%</b>		<b>79%</b>

**Foreign Educated PT/PTA Pass/Fail**

1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
PTA				Jul	Aug	Sep	Oct	Nov	Dec	
Pass	56	82	138	84			65			149
Fail	90	73	163	77			110			187
<b>Total</b>	<b>146</b>	<b>155</b>	<b>301</b>	<b>161</b>			<b>175</b>			<b>336</b>
<b>Pass Rate</b>	<b>38%</b>	<b>53%</b>	<b>46%</b>	<b>52%</b>			<b>37%</b>			<b>44%</b>

**Application and Licensing Quarterly Report  
CY 2014-15 (2nd Quarter)**

**Federation of State Boards Physical Therapy - Examination Statistics**

**Jurisprudence (Law) Examination - NATIONAL STATISTICS**

**Accredited Program Pass/Fail**

1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
Pass	1,912	1,166	<b>3,078</b>	832	561	445	542	441	345	<b>3,166</b>
Fail	505	360	<b>865</b>	218	150	108	180	123	82	<b>718</b>
<b>Total</b>	<b>2,417</b>	<b>1,526</b>	<b>3,943</b>	<b>1,050</b>	<b>711</b>	<b>553</b>	<b>722</b>	<b>564</b>	<b>427</b>	<b>3,884</b>
<b>Pass Rate</b>	<b>79%</b>	<b>76%</b>	<b>78%</b>	<b>79%</b>	<b>79%</b>	<b>80%</b>	<b>75%</b>	<b>78%</b>	<b>81%</b>	<b>82%</b>

**Foreign Educated Pass/Fail**

1st Quarter		2nd Quarter	FY 2013/14	1st Quarter			2nd Quarter			CY 2014/15
				Jul	Aug	Sep	Oct	Nov	Dec	
Pass	114	113	<b>227</b>	38	50	42	57	49	28	<b>264</b>
Fail	97	75	<b>172</b>	22	40	20	30	21	19	<b>152</b>
<b>Total</b>	<b>211</b>	<b>188</b>	<b>399</b>	<b>60</b>	<b>90</b>	<b>62</b>	<b>87</b>	<b>70</b>	<b>47</b>	<b>416</b>
<b>Pass Rate</b>	<b>54%</b>	<b>60%</b>	<b>57%</b>	<b>63%</b>	<b>56%</b>	<b>68%</b>	<b>66%</b>	<b>70%</b>	<b>60%</b>	<b>63%</b>



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - GOVERNOR EDMUND G BROWN JR.

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 FAX : (916)263-2560

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Agenda Item 12

## Briefing Paper

Date: January 26, 2015

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

SUBJECT: Consumer Protection Services Program

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**Purpose:** CPS Program Updates & Reports

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CPS Program Updates:

- On December 31, 2014 Debbie Nardine, CPS Analyst, retired from State service. Ms. Nardine was the Senior CPS Analyst and was a great asset to the program. Ms. Nardine started with the PTB in 1989 and then took a break from State service; however, returned to the PTB in 2006 and retired December 2014. Her knowledge and dedication to the Board were exceptional and will be missed.
- In addition to staff's regular workload, five out of the seven CPS staff continue to work diligently with the BreEZe project to ensure a smooth transition to BreEZe.

Performance Measures Report measures volume of cases opened and process & cycle times throughout the complaint and disciplinary process. Q2 Report Reflects October – December 2014.

- PM3/ Intake & Investigation: 70% of the cases closed were within the 90 day target
- PM4/Formal Discipline: The average for Q2 is based on final resolution of 14 cases (October – 7 cases; November – 1 case; December – 6 cases)

Consumer Protection Services Report provides more detailed data of the complaint and disciplinary process from the time the complaint and/or case is opened to the final outcome of the matter.

- Added "Probation Terminated/Surrendered" data category to spreadsheet under "Probation" section (Page 4 - highlighted for easy find). This data reflects the number of probationary licenses that requested to surrender their license during probation.

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**Action Requested:**

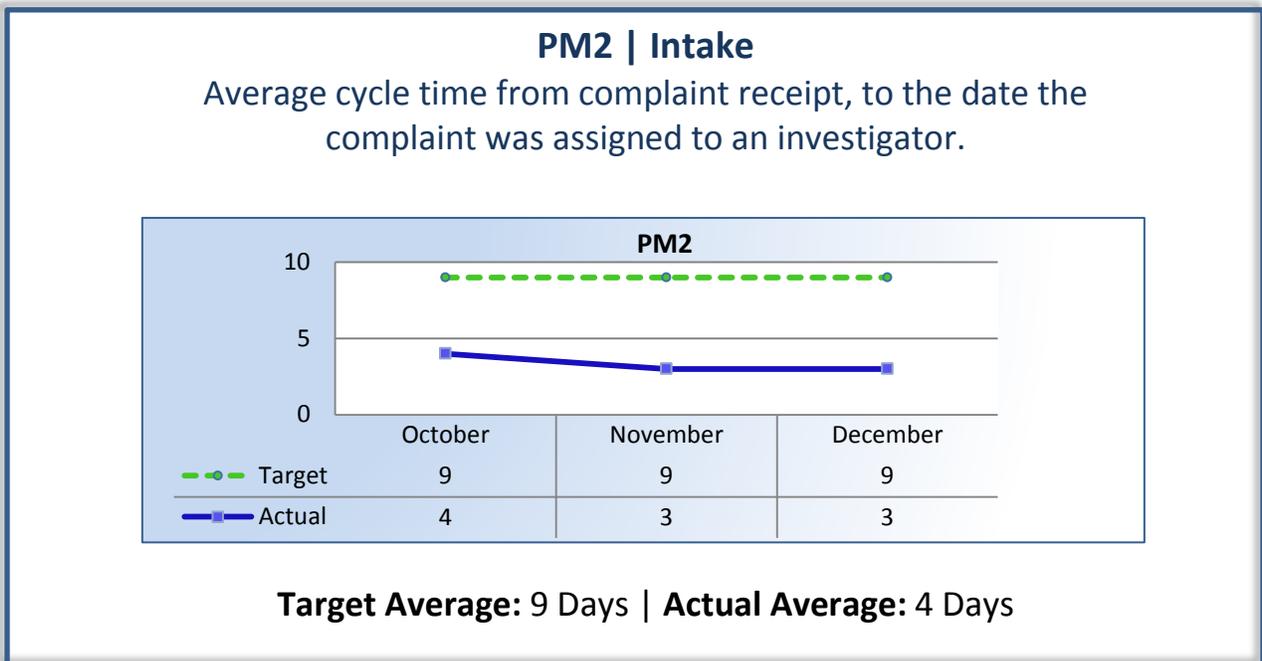
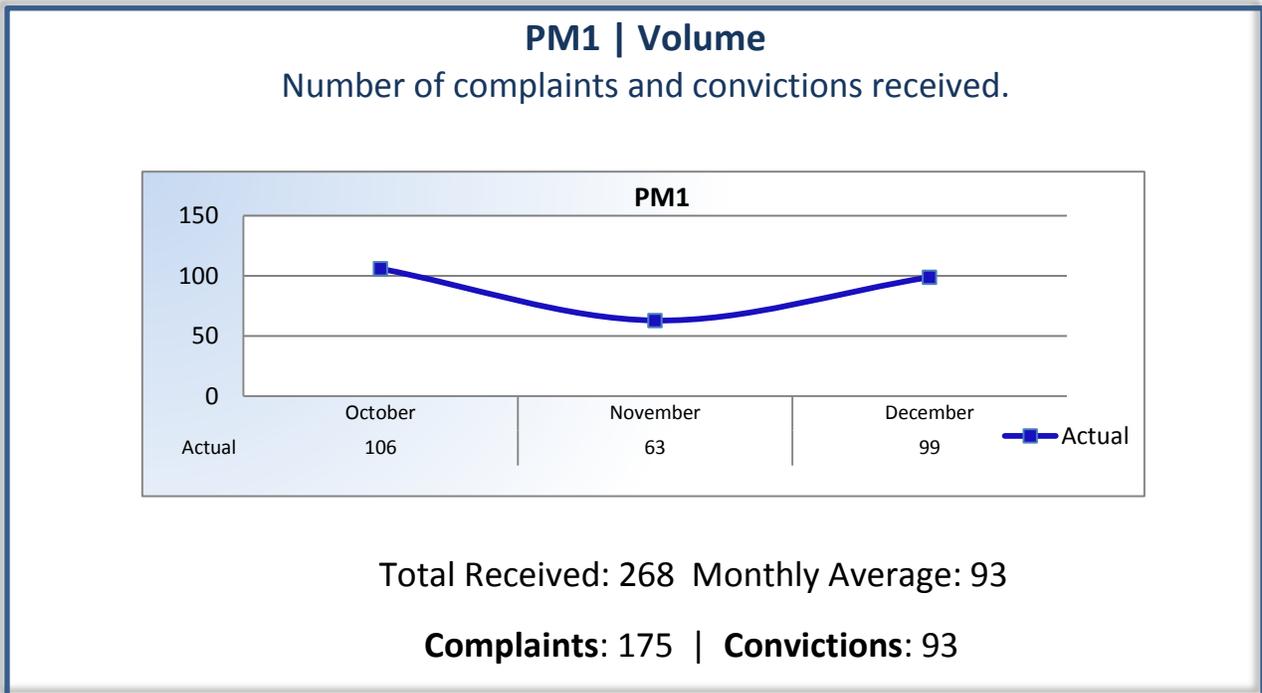
No Action Required

Agenda Item 13 – CPS Report

## Performance Measures

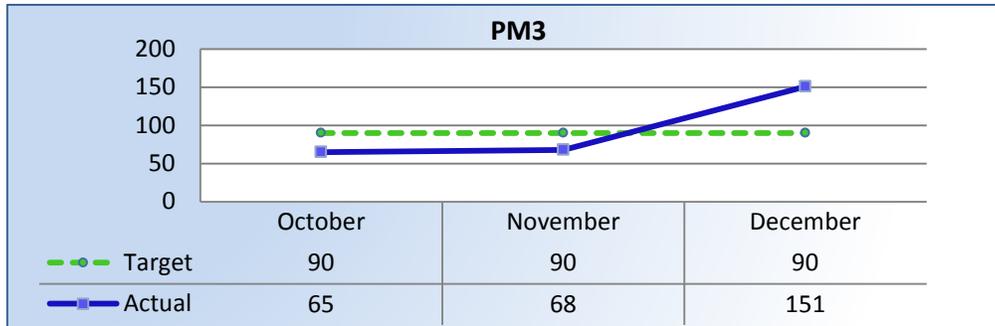
### Q2 Report (October - December 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



### PM3 | Intake & Investigation

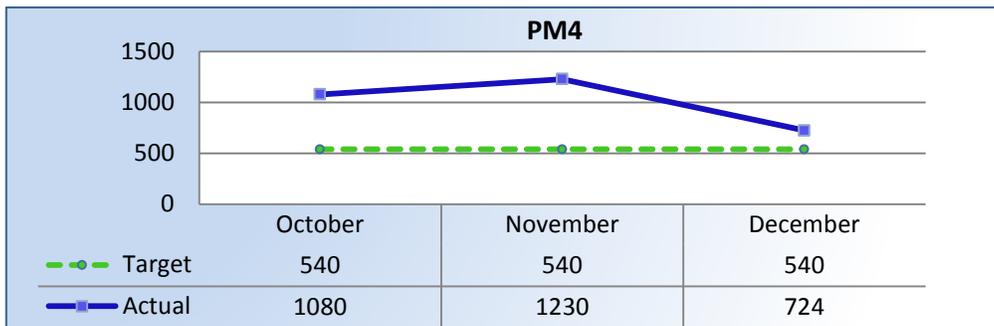
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 90 Days | Actual Average: 96 Days**

### PM4 | Formal Discipline

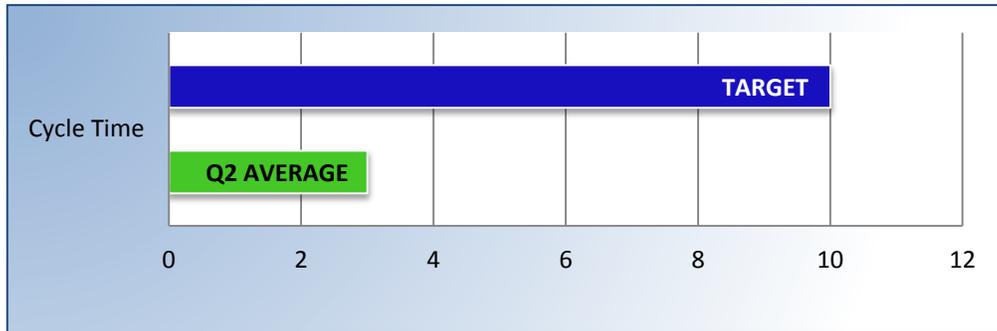
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



**Target Average: 540 Days | Actual Average: 975 Days**

### PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



**Target Average: 10 Days | Actual Average: 3 Days**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not report any new probation violations this quarter.*

**Target Average: 7 Days | Actual Average: N/A**

## CONSUMER PROTECTION SERVICES REPORT FY 2014/2015

	Quarter 1			Quarter 2			Quarter 3			Quarter 4			
<b>Complaint Intake</b>													
<i>Complaints Received by the Board.</i>													
<i>Measured from date received to assignment for investigation or closure without action.</i>													
Complaints	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	43	80	51	73	43	60							350
Closed without Assignment for Investigation	2	0	0	0	0	0							2
Assigned for Investigation - <i>Note: Number of assigned cases may include cases from previous month; therefore totals will not add up.</i>	39	73	59	58	55	60							344
Average Days to Close or Assigned for Investigation	7	4	3	4	4	4							4.3333
Pending	5	12	4	19	7	6							

Convictions/Arrest Reports	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	25	26	26	33	20	40							170
Closed / Assigned for Investigation	27	24	26	34	19	41							171
Average Days to Close	4	2	2	4	2	2							2.6667
Pending	0	2	2	1	2	1							

Total Intake	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	68	106	77	106	63	100							520
Closed w/o Inv. Assignment	2	0	0	2	0	0							4
Assigned for Investigation	66	97	85	90	74	101							513
Avg. Days to Close or Assign	6	3	3	4	3	3							3.6667
Pending	5	14	6	20	9	7							61

**Investigation**      *Complaints investigated by the program whether by desk investigation or by field investigation.*  
*Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action.*  
*If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation.*  
*If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.*

<b>Desk Investigation</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>FY Total</b>
Initial Assignment for Desk Investigation	66	97	85	90	74	101							513
Closed	129	97	101	77	72	80							556
Average Days to Close	344	162	108	60	131	91							149.33
Pending	292	282	263	265	260	269							

<b>Field Investigation (Non-Sworn)</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>FY Total</b>
Assignment for Non-Sworn Field Investigation	N/A												0
Closed													0
Average Days to Close													0
Pending													

<b>Field Investigation (Sworn)</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>FY Total</b>
Assignment for Sworn Field Investigation	2	10	7	10	7	15							51
Closed	1	1	13	7	4	7							33
Average Days to Close	162	244	551	577	550	682							461
Pending	118	127	121	122	125	131							

<b>All Investigations</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>FY Total</b>
First Assignments	66	97	85	90	74	101							513
Closed	130	98	114	84	76	87							589
Average Days to Close	342	163	158	103	153	139							176.33
Pending	410	409	384	387	385	400							

<b>All Investigations Aging/Closed</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>FY Total</b>
Up to 90 Days	49	67	59	64	50	60							349
91 to 180 Days	10	13	36	9	20	9							97
181 Days to 1 Year	6	4	9	3	2	5							29
1 to 2 Years	64	11	5	5	2	10							97
2 to 3 Years	0	1	2	2	1	1							7
Over 3 Years	1	2	3	1	1	2							10

<b>Disciplinary Actions</b>													
<i>This section DOES NOT include subsequent discipline on a license. Data from complaint records combined/consolidated into a single case will not appear in this section.</i>													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
AG Cases Initiated	3	5	9	7	5	1							30
AG Cases Pending	71	72	70	71	72	67							
SOIs Filed	0	0	0	0	0	2							2
Accusations Filed	5	6	8	4	0	2							25

<b>ACC Decisions/Stips</b>	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Prop/Default Decisions	4	1	1	4	1	2							13
Stipulations	1	0	7	2	0	4							14

<b>SOI Disciplinary Orders</b>	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
SOI Final Orders (Dec/Stips)	1	0	0	1	0	0							2
Average Days to Complete	396	0	0	0	0	0							66

<b>ACC Disciplinary Orders</b>	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
ACC Final Orders (Dec/Stips)	5	1	8	6	1	6							27
Average Days to Complete	836	421	1184	1192	1399	724							959.33

<b>Total Disciplinary Orders</b>	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Total Final Orders (Dec/Stips)	6	1	8	7	1	6							29
Total Average Days to Complete	762	421	1184	1080	1399	724							928.33

<b>Total Orders Aging/Final Decision</b>	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Up to 90 Days	0	0	0	0	0	0							0
91 to 180 Days	0	0	0	0	0	0							0
181 Days to 1 Year	0	0	0	0	0	1							1
1 to 2 Years	4	1	1	3	0	3							12
2 to 3 Years	0	0	2	1	0	1							4
Over 3 Years	2	0	5	3	1	1							12

<b>Citations</b>	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Final Citations	6	8	22	4	12	15							67
Average Days to Complete*	178	104	215	494	188	166							224.17

<b>Other Legal Actions</b>	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Interim Suspension & PC 23 Ordered	0	0	0	0	0	1							1

<b>Probation</b>													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Entered Probationer	2	0	5	2	0	3							
Completed Probation	1	0	1	0	0	0							
Probation Terminated/Surrendered	0	0	0	0	2	0							
Entered Maximus	3	0	1	1	2	1							
Completed Maximus	0	1	0	0	1	0							
Non-Compliant w/Probation	0	0	0	0	0	1							
Total Probationers	73	71	75	80	78	82							
Total Maximus Participants	16	14	13	13	14	14							

<b>Performance Measures</b>													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
<b>PM1 Volume - Number of Complaints</b> Received within the specified time period.	43	80	51	73	43	60							350
<b>PM1 Volume - Conviction/Arrest Reports Received</b>	25	26	26	33	20	40							170
<b>PM2 Cycle Time - Intake</b> Average number of complaint intake during the specified time period.	6	3	3	4	3	3							3.6667
<b>PM3 Cycle Time-No Discipline</b> (Target 90 Days) Average number of days to complete complaint intake and investigation steps of the enforcement process for Closed Complaints not resulting in Formal Discipline.	345	115	118	64	68	135							140.83
<b>PM 4 Cycle Time-Discipline</b> (Target 540 Days) Average number of days to complete the enforcement process (Complaint intake, Investigation, and Formal Discipline steps) for cases closed with Formal Discipline.	705	421	967	1080	1230	724							854.5

1 The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of  
2 October, November & December 2014. The Decisions become operative on the Effective Date, with the exception  
3 of situations where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions,  
4 which are negotiated settlements waiving court appeals.  
5

6 Copies of Accusations, Decisions, or Citations may be obtained by visiting our website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov). In  
7 addition to obtaining this information from our website, you may also request it by telephone, fax, or mail. Please  
8 address your request to:  
9

10 Physical Therapy Board of California  
11 2005 Evergreen Street, Suite 1350  
12 Sacramento, CA 95815  
13 (916) 561-8200/ FAX (916) 263-2560  
14

### 15 Physical Therapy Board of California Disciplinary Summary

16  
17 .....

#### 18 19 October 2014

##### 20 **BATULAYAN, JULIT (PT 32315)**

21 In House Public Letter of Reprimand Issued 10/13/14. Violation of B & P Code: 2620.7 Patient Record Docum &  
22 Retention. Violation of CCR: 1399.85 Patient Records.  
23

##### 24 **BUCHANAN, JEFFREY (AT 2809)**

25 Accusation Filed 04/30/14. Violation of B & P Codes: 490 Conviction of a Crime, 493 Conv of Crime  
26 w/Conclusive Evidence, 2239 Self-Use of Drugs or Alcohol, 2660(e) Conviction of Criminal Offenses, 2660(w)  
27 Habitual Intemperance, 2661 Conviction of a Crime. Violation of CCR: 1398.6 Filing of Addresses, 1399.20  
28 Criminal Substantial Relation, 1399.24 Unprofessional Conduct. Default Decision and Order Effective 10/09/14,  
29 license revoked.  
30

##### 31 **EVANS, JORDAN (APPLICANT)**

32 Application Denied 11/27/13  
33 Violation of B & P Code: 480 Grounds for Denial of License  
34 Statement of Issues Filed 03/07/14. Decision Effective 10/02/14, application denied.  
35

##### 36 **HENNINGS, ANDREW (PT 37381)**

37 Accusation Filed 05/23/13. Violation of B & P Codes: 490 Conviction of a Crime, 2234 Unprofessional Conduct,  
38 2238 Violation of Drug Statutes, 2239 Self-Use of Drugs or Alcohol, 2660(d) Convict of Criminal Offense, 2660(f)  
39 Drug Addiction, 2660(h) Violating the Code, 2660(k) Commit Fraud, Dishonest Act, 2661 Conviction of a Crime  
40 Stipulated Settlement and Disciplinary Order Effective 10/08/14, revocation stayed, 4 year probation, or until  
41 completion of the Drug & Alcohol Recovery Program plus one year probation, whichever is longer.  
42

##### 43 **JAMES, DANIEL (PT 11029)**

44 Accusation Filed 03/20/14. Violation of B & P Codes: 2234 Unprofessional Conduct, 2266 Unprofessional  
45 Conduct, 2620.7 Pt. Record Docum & Retention, 2660(g) Gross Negligence, 2660(h) Violating the Code. Violation  
46 of CCR: 1398.13 Patient Record Documentation. Stipulated Settlement and Disciplinary Order Effective 10/03/14,  
47 revocation stayed, 3 year probation.  
48  
49  
50  
51  
52  
53  
54

1 **KOLBRAK, NATILIE ANN (AT 5768)**

2 Accusation Filed 10/19/06. Violation of B & P Codes: 2660(d) Conviction of a Crime Substantially Related to the  
3 Practice, 2661 Conviction of a Crime Substantially Related to the Practice. Decision Effective Date 07/11/07:  
4 Stipulated Revocation, Stayed, 3 year probation. Probation Term Completed 10/11/10. Accusation Filed 11/25/13.  
5 Violation of B & P Codes: 498 Licensure by Fraud, 583 False info on Affidavit, 2261 False Statements on  
6 Documents, 2660(b) Procuring Lic by Fraud, 2660(k) Commit Fraud, Dishonest Act, 2684(b) Continuing Comp  
7 Required. Violation of CCR: 1399.24 Unprofessional Conduct, 1399.91 Continuing Comp Required. Decision  
8 Effective 10/02/14, license revoked.  
9

10 **RODRIGUEZ, JAMES (PT 17631)**

11 Accusation Filed 10/25/12. Violation of B & P Codes: 2633 Misuse of Titles, 2660(i) Aiding and Abetting, 2660(j)  
12 Aiding and Abetting, 2660(k) Dishonest Act. Violation of CCR: 1398.11 Name Tag Identification Requirement,  
13 1399.85 Patient Records. Decision Effective 10/30/14, revocation stayed, 3 year probation.  
14

15 **TAYLOR, GEORGE (PT 16334)**

16 Accusation Filed 04/04/13. Violation of B & P Code: 2660 Unprofessional Conduct, 2660(d) Convict of Criminal  
17 Offense, 2661 Conviction of a Crime. Violation of CCR: 1399.20 Criminal Substantial Relation, 1399.24(d)(3)  
18 Failure to Report a Conviction. Decision Effective 10/02/14, license revoked.  
19

20 **November 2014**

21  
22 **GILLIARD, BARBARA (AT 4341)**

23 Accusation Filed 05/23/13. Violation of B & P Codes: 493 Conviction of Crime w/Conclusive Evidence, 2239 Self-  
24 Use of Drugs or Alcohol, 2660(d) Convict of Criminal Offense, 2660(e) Habitual Intemperance, 2660(h) Violating  
25 the Code. Violation of CCR: 1399.20 Substantially Related Conviction. Decision Effective 07/28/14. 5 Years  
26 Probation, or completion of the Board's Drug and Alcohol Program plus 1 year; whichever is longer. Order for  
27 License Surrender During Probation Effective 11/23/14, License Surrendered.  
28

29 **MANDARO, PATTI (AT 1630)**

30 Accusation Filed 11/30/12. Violation of B & P Codes: 490 Conviction of a Crime, 493 Conviction of Crime  
31 w/Conclusive Evidence, 2239 Self-Use of Drugs or Alcohol, 2660 Unprofessional Conduct, 2660(d) Convict of  
32 Criminal Offense, 2660(h) Violating the Code, 2661 Conviction of a Crime. Decision and Order Effective 01/08/14.  
33 License Revoked. Petition for Reconsideration Granted 01/14/14, Revocation Stayed, until decision after  
34 reconsideration. Decision Effective 11/10/14. Revocation Stayed, 2 Yrs. Prob.  
35

36 **MC FARLAND, JEFFREY (PT 27925)**

37 Accusation Filed 01/03/13. Violation of B & P Codes: 2660 Unprofessional Conduct, 2660(d) Convict of Criminal  
38 Offense. Violation of CCR: 1398.6 Filing of Address, 1399.20 Criminal Substantial Relation. Stipulated Settlement  
39 and Disciplinary Order Effective 09/09/13, Revocation Stayed, 5 Yrs. Prob., or Completion of Drugs & Alcohol  
40 Program Plus 1 Yr., whichever is longer. Order for License Surrender During Probation Effective 11/23/14, License  
41 Surrendered.  
42

43 **SARCHAD, FERECHETE (PT 10218)**

44 In House Public Letter of Reprimand Issued 11/21/14. Violation of B & P Codes: 2068 Failing to Display Notice,  
45 2620 Not Authorized PT to Diagnose, 2620.7 Pt. Record Docum & Retention, 2660(h) Violating the Code.  
46 Violation of CCR: 1398.13 Patient Record Documentation, 1398.15 Notice to Consumer.  
47

48 **December 2014**

49  
50 **MANSFIELD, CYNTHIA (PT 24980)**

51 Accusation Filed 12/11/13. Violation of B & P Codes: 2234(c) Repeated Negligent Acts, 2620.7 Patient Records  
52 Docum & Retention, 2660(g) Gross Negligence, 2660(h) Violating the Code. Violation of CCR: 1399.85 Patient  
53 Records. Stipulated Surrender of License and Order Effective 12/10/14. License Surrendered.  
54

1 **PERRELLI, ANDREW (AT 1120)**

2 Accusation Filed 04/25/14. Amended Accusation Filed 09/17/14. Violation of B & P Codes: 490 Conviction of a  
3 Crime, 2660(a) Violating the Code, 2660(e) Conviction of Crime Offenses, 2661 Conviction of a Crime. Violation  
4 of CCR: 1398.6 Filing of Addresses, 1399.24 Unprofessional Conduct. Decision and Order Effective 12/18/14,  
5 Revocation Stayed, 5 Yrs. Prob.

6  
7 **ROMERO, CARLOS (PT 29686)**

8 Accusation Filed 10/01/13. Violation of B & P Codes: 2234 Unprofessional Conduct, 2660(h) Violating the Code,  
9 2660(m) Verbal Abuse or Sex Harassment. Violation of CCR: 1399.20 Criminal Substantial Relation. Stipulated  
10 Settlement and Disciplinary Order Effective 12/15/14, 3 Yrs. Prob.

11  
12 **SCHUPACK, MARIJKE (PT 17293)**

13 Accusation Filed 07/17/14. Violation of B & P Codes: 141(a) Discipline Action Taken by Others, 2305 Discipline  
14 by Another State. Violation of CCR: 1399.24 Unprofessional Conduct. Decision and Order Effective 12/12/14,  
15 License Revoked.

16  
17 **YEN, BONNIE (PT 40867)**

18 Application Denied 04/20/11. Violation of B & P Codes: 480 Grounds for Denial of License. Statement of Issues  
19 Filed 08/11/11. Decision After Non Adoption Effective 07/08/12, License Denied. Initial Probationary License  
20 Issued 12/10/13, 3 Yrs. Prob., or completion of drug and alcohol recovery program plus 1 yr., whichever is longer  
21 Violation of B & P Codes: 480 Grounds for Denial of License, 2660(d) Convict of Criminal Offense, 2661  
22 Conviction of a Crime. Statement of Issues Filed 04/25/14. Stipulated Settlement and Disciplinary Order Effective  
23 12/17/14, Revocation Stayed, 3 Yrs. Prob., or complete the Board’s drug and alcohol recovery monitoring program  
24 plus one year, whichever is longer.

25  
26 **ZOBAC, SUSAN (PT 21565)**

27 Accusation Filed 11/06/13. Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(d) Convict of  
28 Criminal Offense, 2660(h) Violating the Code. Violation of CCR: 1399.20 Criminal Substantial Relation  
29 Stipulated Settlement and Disciplinary Order Effective 12/17/14, Revocation Stayed, 5 Yrs. Prob.

30  
31 **Administrative Citations and Fines Paid**

32  
33 .....  
34  
35 **October 2014**

36  
37 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification  
38 Citations Paid in Full October 2014:

- 39  
40 BRUBAKER, DIXIE (PT 417)  
41 CONKLIN, ALICIA (PT 39234)  
42 COSTA, SOFIA (PT 39664)  
43 DANIELS, ELIZABETH (PT 36915)  
44 ERICKSON, TERESA (PT 28013)  
45 GLINKA, ROBIN (PT 16800)  
46 RELOJ, PIA ANGELA (AT 10019)

47  
48 **November 2014**

49  
50 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification  
51 Citations Paid in Full in November 2014:

- 52  
53 BALLENTINE, MICHAEL (PT 39739)  
54 FETHERLIN, JEFF (AT 10616)

1 MICKELSON, JULIE (AT 4787)

2  
3 **December 2014**

4  
5 **CRAIG, JULIE (PT 21349)**

6 Violation of B & P Code: 2620.7 Pt. Record Docum & Retention. Violation of CCR: 1398.13 Patient Record  
7 Documentation. Citation and Fine Ordered 09/29/14. Citation Paid in Full 12/24/14.

8  
9 **KRUG, RENAE (PT 20355)**

10 Violation of B & P Codes: 2239 Self Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of  
11 Crime Offenses. Citation and Fine Ordered 11/25/14. Citation Paid in Full 12/24/14.

12  
13 **VILLANUEVA, NADINE (PT 12018)**

14 Violation of B & P Code: 2620.7 Pt. Record Docum & Retention, 2660(k) Commit Fraud, Dishonest Act. Violation  
15 of CCR: 1398.13 Patient Record Documentation. Citation and Fine Ordered 11/21/14. Citation Paid in Full  
16 12/10/14.

17  
18 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification  
19 Citations Paid in Full December 2014:

20  
21 BARMAN, JOHN (PT 20470)  
22 BREAUULT, STEPHEN (PT 24197)  
23 DEJARDIN, BRYN (PT 14161)  
24 DOWDY, DANIEL (PT 39043)  
25 FARWICK, LAUREN (PT 39773)  
26 KARLSSON, HANS (PT 38078)  
27 ORLANDO, JOSEPH (AT 10661)  
28 PICKETT, JESSICA (AT 6782)  
29 SCOTT, KIMBER (PT 26107)  
30 TOLENTINO, EMMANUEL (PT 37858)  
31 WILDBERGER, KRISTA (PT 33317)  
32

33 **Glossary of Terms**

34  
35 B & P Code – Business and Professions Code  
36 H & S Code – Health and Safety Code  
37 R & R – Rules and Regulations  
38 CCR – California Code of Regulations  
39

40 Accusations: Charges and allegations, which still must undergo rigorous tests of proof at later administrative  
41 hearings.

42  
43 Citation & Fine: An alternative means to address relatively minor violations that are not discipline in order to  
44 protect the public. Citations and Fine Orders are not disciplinary actions, but are matters of public record.

45  
46 Petition to Revoke Probation: A Petition to Revoke Probation is filed when a licensee is charged with violation of a  
47 prior disciplinary decision.

48  
49 Probationary License: Where good cause exists to deny a license, the licensing agency has the option to issue a  
50 conditional license subject to probationary terms and conditions.

51  
52 Statement of Issues Filed: When an applicant for licensure is informed the license will be denied for cause, the  
53 applicant has a right to demand a formal hearing, usually before an Administrative Law Judge. The process is  
54 initiated by the filing of a Statement of Issues, which is similar to an accusation.  
55

- 1 Surrender of License: License surrenders are accepted in lieu of further proceedings.
- 2
- 3 Statement of Issues Decision: These are decisions rendered after the filing of a Statement of Issues.
- 4
- 5 Stipulated Decision: Negotiated settlements waiving court appeals.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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### Briefing Paper

Date: January 30, 2015  
Prepared for: PTBC Members  
Prepared by: Sarah Conley  
Subject: Strategic Plan

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### **Purpose:**

To present the finalized 2014-2017 PTBC Strategic Plan

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### **Background:**

At the November 2014 meeting, the Board adopted the strategic plan as amended. Staff made the amendments as discussed at the meeting and forwarded the final draft to DCA's Office of Publications, Design and Editing (PD&E). Using its artistic expertise, PD&E produced a superiorly designed final product that will be presented at the meeting.

### **Moving Forward:**

With the plan complete, Board staff will begin formulating the action plan, including setting tasks, identifying resources to be allocated to each task, and establishing deadlines for completion of those tasks. The action plan will guide staff in working to achieve the objectives, and ultimately goals, that the Board has promulgated. Although staff will continually monitor progress, the Board, at the November 2014 meeting, requested staff provided annual strategic plan progress reports at the last meeting of each year.

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### **Action Requested:**

None