



Physical Therapy Board of California

Department of Consumer Affairs

**August 19 & 20, 2015
Board Meeting**

Sacramento, CA



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



Physical Therapy Board of California Notice of Public Meeting

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

Brooke Arneson, Associate

Analyst

August 19, 2015 9:00 a.m.

August 20, 2015 9:00 a.m.

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

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.

Agenda

1. **Call to Order, Roll Call and Establishment of Quorum**
2. **Special Order of Business – August 19, 2015 9:00 a.m.**
 - (A) **Hearing on Petition for Reinstatement of License – Aaron Tsuda**
 - (B) **Hearing on Petition for Termination of Probation – Mitzi Harrison, PT**

After submission of the matters, the Board will convene in CLOSED SESSION to deliberate pursuant to Government Code section 11126(c)(3).

3. **Closed Session**
 - (A) Pursuant to Government Code section 11126(c)(3)
Deliberation on Disciplinary Actions
 - (B) Pursuant to Government Code section 11126(a)(1)
Appointment, Employment, Evaluation of Executive Officer
 - (C) Pursuant to Government Code section 11126(c)(1)
Prepare, approve, grade or administer examinations
 - (D) Adjourn Closed Session

4. **Reconvene Open Session**

5. **Review and Approval of May 13 & 14, 2015 Meeting Minutes – Brooke Arneson**

6. **Consumer and Professional Associations and Intergovernmental Relations Reports**
 - (A) Federation of State Boards of Physical Therapy (FSBPT) – Eligibility Update
David Relling, Susan Layton, Lorin Mueller
 - (B) Department of Consumer Affairs (DCA)
 - (C) California Physical Therapy Association (CPTA)

7. **President’s Report** – *Dr. Alviso*
 - (A) [2015 Meeting Calendar](#)
 - (B) [2016 Proposed Meeting Calendar](#)

8. **Executive Officer’s Report** – *Jason Kaiser*
 - (A) Budget/Personnel
 - (B) BreEZe
 - (C) Legislation and Regulation
 - (D) Outreach
 - (E) Continuing Competency
 - (F) Applications and Licensing
 - (G) Consumer Protection

9. **Legislation Report** – *Brooke Arneson*
 - (A) [AB 85 \(Wilk\) Open Meetings](#)
 - (B) [AB 483 \(Patterson\) Healing Arts: Initial License Fees: Proration](#)
 - (C) [AB 1351\(Eggman\) Deferred Entry of Judgment: Pretrial Diversion](#)
 - (D) [AB 1352 \(Eggman\) Deferred Entry of Judgment: Withdrawal of Plea](#)
 - (E) [Other 2015 Bills Potentially Impacting Physical Therapy Practice or Regulation or the Operation of the Physical Therapy Board](#)

10. **Rulemaking Report** – *Brooke Arneson*
 - (A) [2015 Rulemaking Calendar](#)
 - i. License Renewal Exemptions: Retired Status
 - ii. Requirements for Graduates from Non-Accredited Programs: Test of English as a Foreign Language (TOEFL)
 - iii. Fee Increase
 - (B) [Amendments pursuant to Title 1, Section 100 of the California Code of Regulations](#)

11. **Administrative Services Report**
 - (A) [Budget](#) – *Carl Nelson*
 - (B) [Outreach](#) – *Jacki Maciel*

12. **Application & Licensing Services Report** – *Sarah Conley*

13. **Consumer Protection Services Report** – *Elsa Ybarra*

14. **Board Member Training** – *Jacki Maciel & Liz Constancio*
 - (A) [Travel Guidelines](#)

15. 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)]

16. Agenda Items for Next Meeting – November 4 & 5, 2015 Bay Area

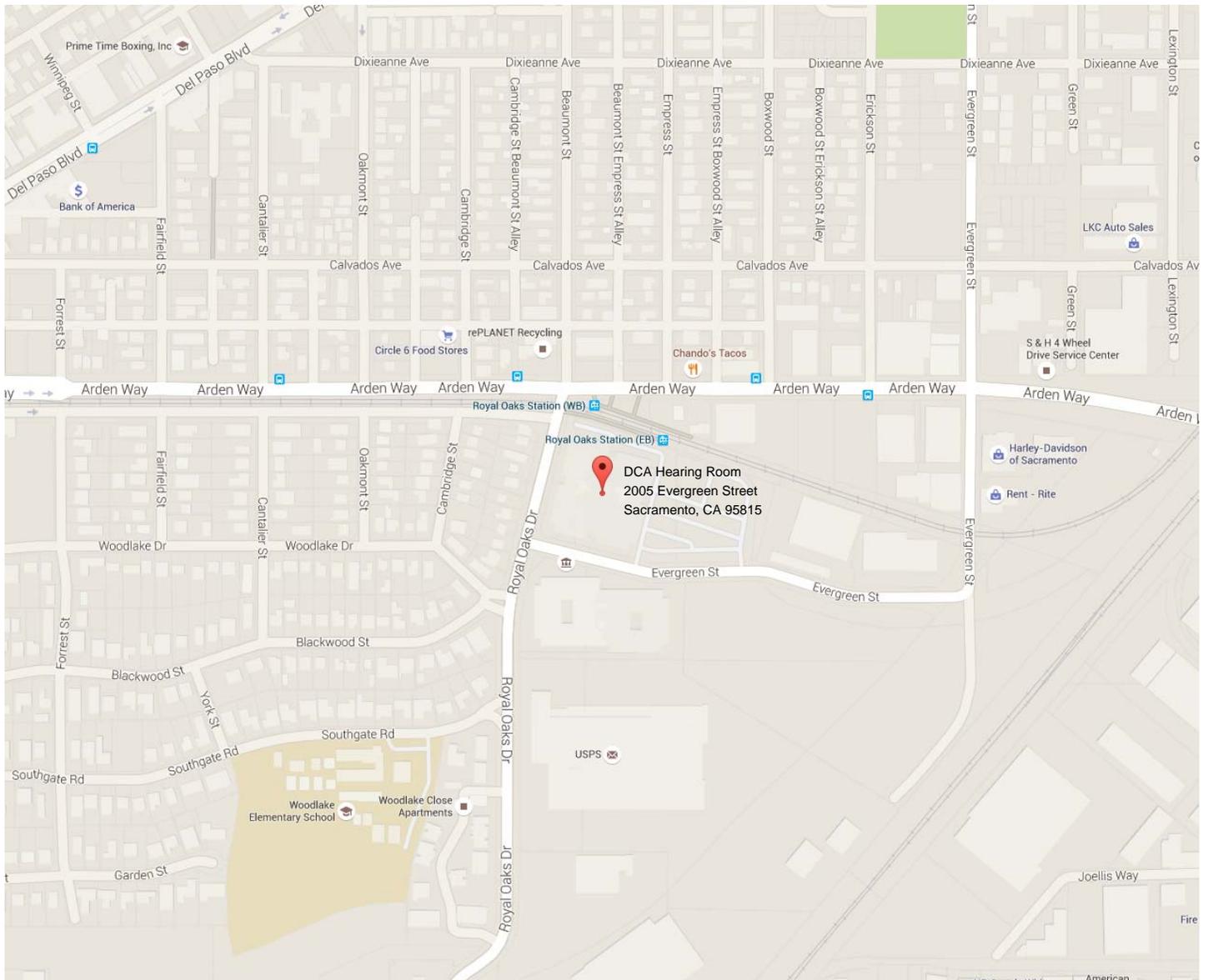
17. Adjournment

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. 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 Brooke Arneson at (916) 561-8260, e-mail: brooke.arneson@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

August 19, 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		

August 20, 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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1

Board Members

President

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Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Alicia Rabena-Amen, PT, MPT

James Turner, MPA

Physical Therapy Board of California

DRAFT Meeting Minutes

May 13, 2015 9:00 a.m.

May 14, 2015 9:00 a.m.

Board Staff

Jason Kaiser, Executive Officer

Elsa Ybarra, Manager

Brooke Arneson, Associate

Analyst

**Loma Linda University
Randall Visitors Center
11072 Anderson Street
Loma Linda, CA 92350**

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 9:15 a.m. on May 13, 2015. All members listed above were present,
10 with the exception of Carol Wallisch and a quorum was established. Also present
11 at the meeting were Laura Freedman, Legal Counsel; Angelique Scott, Legal
12 Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Consumer Protection
13 Services Manager, Brooke Arneson, Associate Analyst.

14

15 **2. Special Order of Business – May 13, 2015 9:00 a.m.** 16 **Regulatory Hearing on Fees; Proposed Language to Amend Section 1399.50** 17 **and 1399.52 of Article 7, Division 13.2. Title 16 of the California Code of** 18 **Regulations**

19

20 The Board held the regulatory hearing for proposed language to adopt CCR
21 1399.50 and 1399.52. No public comment was received and the hearing was
22 closed.

23

24 **MOTION: To adopt the proposed regulatory language as noticed,**
25 **and delegate to the Executive Officer the authority to**
26 **make technical or non-substantive changes in**
27 **completing the rulemaking file.**

1 **M/S: Alviso/Eleby**

2
3 **VOTE: 6-0 Motion carried**

4
5 During discussion Dr. Dominguez suggested striking redundant language.
6 Question also arose about the rationale for combining the application and license
7 fee for the physical therapist assistant as opposed to them being two separate fees
8 as they are for the physical therapist. Mr. Kaiser suggested the legislature could
9 have taken into consideration the lesser salary of the physical therapist assistant
10 when combing the fees but advised this was strictly an assumption because
11 research failed to disclose the reasoning. Dr. Alviso responded the fees are to
12 support the processes and if there is no difference in processing a physical
13 therapist’s application and license from that of a physical therapist assistant
14 application and license, the fees should be the same for both licensees. She
15 requested the issue be considered in future legislative planning. The Board made
16 no modifications to the proposed language.

17
18 **3. Special Order of Business – May 13, 2015 9:15 a.m.**
19 **Regulatory Hearing on English Proficiency Requirements; Proposed**
20 **Language to Amend Section 1398.25 and Add Section 1398.26.3 to Article 2,**
21 **Division 13.2, Title 16 of the California Code of Regulations**

22
23 The Board held the regulatory hearing for proposed language to amend California
24 Code of Regulations (CCR) section 1398.25 and adopt section 1398.26.3 into the
25 California Code of Regulations. No public comment was received and the hearing
26 closed.

27
28 **MOTION: To adopt the proposed regulatory language as noticed,**
29 **and delegate to the Executive Officer the authority to**
30 **make technical or non-substantive changes in**
31 **completing the rulemaking file.**

32
33 **M/S: Rabena-Amen/Turner**

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

36
37 The Board then considered three written comments received via email during the
38 45-day comment period. After discussion the Board made no modifications to the
39 proposed language. The comments and the Board’s response will be addressed in

1 the Final Statement of Reasons to be included in the final rulemaking file.

2
3 **4. Special Order of Business – May 13, 2015 9:30 a.m.**

4 **(A) Hearing on Petition for Termination of Probation – Victor Rusenescu, PT**

5 **(B) Hearing on Petition for Reinstatement of License – Suresh Kumar Ahuja**

6
7 After submission of the matter(s), the Board convened in closed session to
8 deliberate per Government Code section 11126(c)(3).

9
10 Once issued, disciplinary decisions may be found on the Board’s website at
11 www.ptbc.ca.gov.

12
13 **5. Closed Session**

14
15 **(A) Pursuant to Government Code section 11126(c)(3)**
16 **Deliberation on Disciplinary Actions**

17
18 Once issued, disciplinary decision can be found on the Board’s website at
19 www.ptbc.ca.gov.

20
21 **(B) Pursuant to Government Code section 11126(a)(1)**
22 **Appointment, Employment, Evaluation of Executive Officer**

23
24 No discussion occurred on this item.

25
26 **(C) Pursuant to Government Code section 11126(c)(1)**
27 **Prepare, approve, grade or administer examinations**

28
29 No discussion occurred on this item.

30
31 **6. Approval of Meeting Minutes**

32
33 **(A) February 11 & 12, 2015**

34
35 Ms. Arneson presented the February 2015 minutes for the Board’s
36 consideration. The Board identified minor amendments to the minutes.

37
38 **MOTION: To adopt the draft February 11 &12, 2015 meeting**
39 **minutes as amended.**

1
2 **M/S: Turner/Dominguez**

3
4 **VOTE: 6-0 Motion carried**

5
6 **(B) March 15, 2015 Teleconference Meeting**

7
8 Ms. Arneson presented the March 2015 teleconference meeting minutes for the
9 Board's consideration.

10
11 **MOTION: To adopt the draft March 15, 2015 meeting minutes as**
12 **presented.**

13
14 **M/S: Drummer/Dominguez**

15
16 **VOTE: 6-0 Motion carried**

17
18
19 **7. Consumer and Professional Associations and Intergovernmental Relations**
20 **Reports**

21
22 **(A) Federation of State Boards of Physical Therapy (FSBPT)**

23
24 A representative from FSBPT was not present at the meeting.

25
26 **(B) Department of Consumer Affairs (DCA)**

27
28 A representative from DCA was not present at the meeting.

29
30 **(C) California Physical Therapy Association (CPTA)**

31
32 No report was presented.

33
34
35 **8. President's Report - *Dr. Debra Alviso***

36
37 **(A) 2015 Meeting Calendar**

38
39 The Board reviewed the 2015 calendar that was adopted at the November 2014

1 meeting and Ms. Rabena-Amen indicated her preference to move the November
2 5th-6th meeting to the 4th and 5th. Dr. Alviso agreed and the November Board
3 meeting was moved to Wednesday, November 4th and Thursday, November 5th.
4

5 **(B) 2016 Meeting Calendar**
6

7 The Board reviewed the proposed 2016 calendar that was presented and all
8 members indicated that they had no conflicts with the scheduled meetings. Mr.
9 Kaiser suggested adding testing and other pertinent administrative deadlines to
10 the meeting calendars to avoid holding Board meetings during hectic
11 administrative processing time frames. Dr. Alviso stated that this would be
12 extremely helpful with the scheduling of the Board meetings.
13

14 **9. Executive Officer's Report - Jason Kaiser**
15

16 Mr. Kaiser briefly elaborated on each item addressed in his report. He stated that
17 the Administrative Services program had completed the recruitment process for
18 two permanent intermittent (PI) Office Technician (OT) positions within the
19 Application and Licensing Services Program and welcomed Ms. Krystyn Lee and
20 Mr. Slade Tobey. Mr. Kaiser also noted that recruitment was being done for one
21 Staff Services Analyst position within the Consumer Protection Services Program.
22 He stated that the BreEZe project has continued to tax the PTBC's time and
23 resources. He informed the Board that Staff are currently working on three key
24 components of the BreEZe project which are taking approximately a third of Board
25 staff time: User Acceptance Testing (UAT), Data Validation (DV) and
26 Organizational Change Management (OCM). Mr. Kaiser apprised the Board that
27 due to a delay in BreEZe contract negotiations, "Go-Live" is anticipated to occur in
28 early 2016. He noted that there will be additional costs to the Board however at
29 this time the costs are undetermined. Mr. Kaiser informed the Board that Ms.
30 Marco is currently working on the "PTBC Progress Notes – Fall 2015" and Board
31 member participation is encouraged. It was noted that PTBC was in attendance at
32 the CPTA's 2015 Student Conclave at California State University, Sacramento
33 (CSUS). PTBC gave a presentation on the application process as well as the laws
34 and regulations that govern the practice of physical therapy in California. Dr.
35 Alviso questioned how many students were in attendance. Mr. Kaiser stated that
36 300-400 students were in attendance and 50 were in his class. Ms. Rabena-Amen
37 inquired as to whether information was presented to students regarding PTBC's
38 social media websites. Mr. Kaiser responded that he did communicate to students
39 regarding PTBC's social media websites and that a spike was seen in PTBC's

1 social media following CPTA's 2015 Student Conclave.

2
3 **10. Legislation Report - Brooke Arneson**

4
5 Ms. Arneson provided a brief summary and status of the bills noticed on the
6 agenda.

7
8 **(A) AB 85 (Wilk) Open Meetings**

9
10 **MOTION: To adopt an Oppose position on AB 85**

11
12 **M/S: Drummer/Eleby**

13
14 **VOTE: 6-0 Motion carried**

15
16 **(B) AB 483 (Patterson) Healing Arts: Initial License Fees: Proration**

17
18 **MOTION: To adopt an Oppose Unless Amended position on AB 85**

19
20 **M/S: Drummer/Rabena-Amen**

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

23
24
25 **(C) AB 750 (Low) Business and Professions: Licenses**

26
27 **MOTION: To adopt a Watch position on AB 750**

28
29 **M/S: Turner/Eleby**

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

32
33
34 **(D) AB 1060 (Bonilla) Professions and Vocations: Licensure**

35
36 **MOTION: To adopt a Watch position on AB 1060**

37
38 **M/S: Dominguez/Turner**

39

1 from non-accredited physical therapist programs to demonstrate English
2 proficiency by achieving a score specified by the Board on the TOEFL.
3 English proficiency (passing score on the TOEFL) is currently being verified
4 by each credential evaluation service when an applicant's education is
5 evaluated. This regulation will provide for specific exemptions to the TOEFL
6 requirement and set a passing score. The Board modified the proposed
7 language at the February 2015 Board meeting and authorized the Executive
8 Officer to adopt the regulatory changes, as modified. Staff filed the notice
9 with the Office of Administrative Law (OAL) on March 17th, 2015 and three
10 written comments were received during the 45 day comment period. The
11 anticipated effective date of this regulation is January 1, 2016. Ms. Arneson
12 reported that the regulatory hearing was held during this Board meeting;
13 please see agenda item 3.

14 **Fee Increase**

15
16 Ms. Arneson reported that at the February 2014 Board meeting, staff
17 presented that the Board is in urgent need of a fee increase to enable the
18 Board to effectively sustain operations necessary for protecting consumers
19 through its licensing and enforcement functions and avoid insolvency in
20 fiscal year 2017/18. The Board, by motion, directed staff to conduct further
21 assessment of the fund condition and research details of a fee increase,
22 including costs associated with BreZE implementation, then bring those
23 findings back to the next Board meeting. The Board modified the proposed
24 language at the February 2015 Board meeting and authorized the Executive
25 Officer to adopt the regulatory changes, as modified. Staff filed the notice
26 with the Office of Administrative Law (OAL) on March 20th, 2015 and no
27 comments were received during the 45 day comment period. The
28 anticipated effective date of this regulation is January 1, 2106. Ms. Arneson
29 reported that the regulatory hearing was held during this Board meeting;
30 please see agenda item 2.

31 32 33 **12. Administrative Services Report – Jason Kaiser**

- 34
35 **(A) Budget** – Mr. Kaiser directed the Board to the budget reports included in
36 the agenda book and the Briefing Paper distributed to members as a
37 handout. He went on to advise that staff is imposing internal cost saving
38 measures to assist with compensation for its overexpenditure of Attorney
39 General costs. Mr. Turner commented that the Briefing Paper demonstrates

1 strong support of the fee increase. Mr. Kaiser also indicated this was his
2 first opportunity to see the BreEZe associated costs and there were
3 additional costs to come.
4

5 **(B) Outreach** – Mr. Kaiser focused the Board on the report included in the
6 agenda materials and commented on the Board’s ability to collect email
7 addresses which should enable staff to reach out to more licensees and
8 encourage becoming Facebook friends to keep abreast of Board activities
9 real-time. James Syms, PT expressed disappointment with the Board’s
10 inability to enhance its outreach efforts by attending conferences and
11 symposiums and expressed a compelling argument for the value of
12 outreach but acknowledged the Board’s resource and Executive Order
13 imposed limitations.
14

15 **13. Application & Licensing Services Report - Liz Constancio**
16

17 In Ms. Constancio’s absence, Mr. Kaiser presented the Application and Licensing
18 Services report. He advised the Board there would be an adjustment to the 2016
19 exam deadline calendar; therefore, there would be a process change in the
20 submission of applications. The application will now be accepted without the
21 inclusion of the Certificate of Completion (P1E form) since getting this completed
22 timely by the school sometimes delays the applicant from qualifying for eligibility to
23 sit for the exam.
24

25 **14. Consumer Protection Services Report - Elsa Ybarra**
26

27 Ms. Ybarra reported Board staff and the Attorney General’s office will be
28 conducting expert consultant training in the second week of November, 2015 and
29 again in February, 2016, in conjunction with the Board meeting, to encourage
30 Board member attendance. She also indicated existing expert consultants would
31 be invited to attend the training as a refresher.
32

33 Ms. Ybarra noted the staff was consistent with or above their performance
34 measures in the areas within their control and directed members to the Outside
35 Control Calculations report distributed as a handout. The report identified the
36 number of days a final disposition case was with the Board versus an outside
37 control agency such as the Department of Consumer Affairs’ Division of
38 Investigation, the Attorney Generals’ office or the Office of Administrative Hearings.
39 Mr. Kaiser added there were many variables which skews the data, i.e. extremely

1 egregious cases where DOI and AG are working simultaneously, waiting on
2 criminal disposition, difficulty locating a subject or receiving records from the
3 subject resulting in the issuance of subpoenas, etc. Ms. Ybarra noted the total
4 number of disposition cases in FY 09/10 was 8 for the entire year, less than the
5 total number of disposition cases in just the month of March in current year. Ms.
6 Ybarra asked if there was interest in seeing different data, additional data or
7 continual data on days within the Board versus an outside agency. Dr. Alviso
8 responded it would be interesting to see periodically but not necessary ongoing.
9

10 James Syms, PT asked about the process for filing an injunction with the Superior
11 Court pursuant to BPC 2672. He inquired whether this process could be a
12 speedier resolution regarding a violation of the Physical Therapy Practice Act.
13 Legal counsel advised Dr. Syms that the Board could not engage in a discussion
14 regarding this topic since it was not on the agenda nor could she offer legal advise
15 on the issue. Dr. Syms requested it be considered for discussion in the future.
16

17 **15. Public Comment on Items Not on the Agenda**

18 *Please note the board may not discuss or take action on any matter raised during this public comment section*
19 *that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting.*
20 *[Government Code sections 11125 and 11125.7(a)]*
21

22 Mitch Kaye, PT asked the Board reconsider discussion of wellness for a future
23 agenda item.
24

25 James Syms, PT expressed gratitude to the Board for conducting its meeting at
26 Loma Linda University and offering opportunity for student attendance. The Board
27 reciprocated with gratitude of Dr. Syms and Loma Linda University for hosting the
28 meeting.
29

30 **16. Agenda Items for Next Meeting – August 19 & 20, 2015** 31 **Sacramento, CA** 32

33 The Board indicated it did not have any specific items at this time for the August, 2015
34 meeting.
35

36 **17. Adjournment** 37

38 The Board concluded the meeting on Thursday, May 14, 2015 and adjourned at
39 approximately 2:10 p.m.

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
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<u>February</u>						
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<u>March</u>						
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<u>April</u>						
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<u>May</u>						
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31						

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

<u>September</u>						
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<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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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		

January

1 New Year's Day
 14 PTA NPTE
 19 Martin Luther King Jr. Day
 16 Presidents' Day
 28 PT NPTE

April

5 Easter
 8 PTA NPTE
 29 PT NPTE

July

4 Independence Day
 8 PTA NPTE
 21-22 PT NPTE

October

7 PTA NPTE
 15-17 FSBPT Meeting
 Orlando, FL
 28 PT NPTE
 31 Halloween

February

11-12 PTBC Meeting
 Sacramento
 16 Presidents' Day

May

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

August

19-20 PTBC Meeting -
 Sacramento
 1-2 FSBPT LIF
 Alexandria, VA

November

4-5 PTBC Meeting -
 Bay Area
 11 Veteran's Day
 26 Thanksgiving
 27 Day after 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>						
Su	M	T	W	Th	F	S
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January

1 New Year's Day
 13 PTA NPTE
 18 Martin Luther King Jr. Day
 27 PT NPTE

April

6 PTA NPTE
 27 PT NPTE

July

4 Independence Day
 6 PTA NPTE
 19-20 PT NPTE

October

6 PTA NPTE
 27 PT NPTE
 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
 4-6 FSBPT Meeting
 Columbus, OH
 11 Veteran's Day
 24 Thanksgiving
 25 Day After Thanksgiving

March

27 Easter
 31 César Chávez Day

June

8-11 APTA Conference
 Nashville, TN
 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



DATE: July 24 – August 7, 2015

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 two positions; (1) permanent intermittent (PI) Staff Services Analyst (SSA) position within the Application & Licensing Services program and (1) Staff Services Analyst (SSA) position within the Consumer Protection Service Program. We would like to welcome Ms. Valerie Kearney. Ms. Kearney will provide analytical support within the Application Services program as a SSA, in efforts to alleviate backlogs. Ms. Kearney is new to state service and may be seem familiar to the board as she has served alongside staff for quite some time as an AARP volunteer. We would also like to congratulate Mr. Vincent Azar. Mr. Azar has been promoted to SSA in the Consumer Protection Services Program. Mr. Azar will also be familiar to the board, coming from the Licensing Services program and serving as the PTBC’s Single Point of Contact (SPOC) for BreEZe, a role in which he will continue to serve through the duration of the project. We would also like to send a fond farewell to Ms. Veronica Hagen. Ms. Hagen was with us for a little over a year and provided technical support in cashiering and examination eligibility. Ms. Hagen and has returned to her family to spend time with her children and continue her pursuit of a Master’s degree.

The PTBC is currently recruiting for (1) Full-time Office Technician (OT) and (1) permanent intermittent (PI) Office Technician (OT) in the Application & Licensing Services program.

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

BreEZe – As repeatedly expressed in previous reports, the BreEZe project continues to tax the PTBC’s time and resources. We continue to work on three key components of the project, User Acceptance Testing (UAT) (which will begin in September), Data Validation (DV) (which is ongoing and is currently in Mock Run 2.5), and Organizational Change Management (OCM) (also ongoing). While these efforts are essential to the success of the BreEZe project, combined they take approximately a third of Staff time and do impact the normal day-to-day business of the PTBC. This use of time will increase exponentially as we get closer to BreEZe go-live which is currently slated for the last week in December.

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

OUTREACH – The use of social media as a form of outreach has continued to increase significantly. At the time of this report, the Facebook page ([#PTBCnews](#)) is at over 2,000 likes and climbing! We are learning more about the effect of social media every day and are continuing to explore and experiment with its use. Kudos to the Outreach coordinator, Jacki Maciel, for her imagination and hard work. And, as always, we need topics for our Facebook Page and Twitter Accounts! Board member participation is encouraged; please don't hesitate in submitting your ideas or topics for posting.

Again, a special thanks to Ms. Marco, for all her work, especially on our newsletter, "PTBC Progress Notes". While progress has been made in the writing and collection of content for the newsletter, we will be delaying its publication for a number of reasons, most importantly resources. Ms. Marco, as well as the rest of the Admin staff have been very busy with a number of high priority projects, e.g.; regulatory packages, legislative analysis, Budget Change Proposals (BCP) as well as BreEZe. We would also like to use the newsletter as a vehicle to notify the licensing population of upcoming changes in law and regulation, and with a number of regulations currently pending as a result of Ms. Marco's hard work; we believe it is important to include them in our next publication of Progress Notes. We are planning to complete the newsletter in December of 2015, with a publication release of winter 2016. Again, any ideas or topics for the newsletter are welcomed.

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

CONTINUING COMPETENCY – Recently, the Continuing Competency Services Program (CC) was merged with the Licensing Services Program. However, the CC resources continue to be on loan in support of the Application Services Program. With the upcoming staffing additions, we plan to start addressing the auditing of continuing competency compliance in 2016.

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.



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Briefing Paper

Date: August 4, 2015

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Legislation Report

Purpose:

To provide an update on pending legislation

- Attachments:**
1. [2015 Legislative Calendar](#)
 2. [Definition of the Board's Legislative Positions](#)
 3. [AB 85 Bill Analysis, Text and Position Letter](#)
 4. [AB 483 Bill Analysis, Text and Position Letters](#)
 5. [AB 1351 Bill Analysis and Text](#)
 6. [AB 1352 Bill Analysis and Text](#)
 7. [2015 Legislative Summary](#)

Background and Update:

The 2015 legislative calendar is included in the meeting materials for your reference, along with a copy of the Board's legislative positions taken from the PTBC's Board member Administrative Manual.

As noted on the calendar, the Legislature reconvened from Spring Recess on April 6th to resume policy committee and budget subcommittee hearings. Policy committees had until May 1st to hear measures with a fiscal impact and until May 15th to hear non fiscal bills. June 5th was the last day for bills to be passed out of the house of origin. Committee meetings resumed on June 8th. July 17th was the last day for policy committees to meet and report bills. Summer recess began upon adjournment and the legislature will reconvene from Summer Recess on August 17th. September 4th is the last day to amend bills on the floor and September 11th is the last day for each house to pass bills. The Governor must sign or veto bills passed by the Legislature on or before September 11th. All statutes will take effect January 1st 2016. Staff continues to monitor legislation for amendments and progress.

The bills that have been identified by staff as bills of interest are noted on the agenda and to aid in consideration of these bills, a bill analysis has been included.

In addition, a 2015 Legislative summary is included which notes all bills from the current Legislative session that could potentially impact Physical Therapy practice, regulation or the operation of the Physical Therapy Board.

Action Requested:

To adopt the positions as recommended by staff on the bills presented at this meeting.

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						
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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						
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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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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

Legislation - Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation

(Board Policy)

The Board will adopt 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 interest regarding the proposed legislation. The 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.



Physical Therapy Board of California

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

Physical Therapy Board of California

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Bill Analysis

Bill Number	AB 85	Version	Amended 4/15/15
Author	Wilk	Sponsor	Author
Subject	Open Meetings	Status	Senate- Appropriations

Adopted Position:
Oppose

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Existing Law

1. 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.
2. Defines a state body, for purposes of the Bagley-Keene Open Meeting Act, to mean each of the following:
 - a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.
 - b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.
 - c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.
 - d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section 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.



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This Bill

1. Clarifies that, under the Bagley-Keene Act, a two-member advisory committee of a state body is a state body if a member of that state body sits on the advisory committee and the committee receives funds from the state body.
2. Contains an urgency clause to take effect immediately.

Background/Purpose

Purpose: According to the author's office, the current definition of "state body" in the Act contains an ambiguity with respect to whether a "standing committee" composed of fewer than three members needs to comply with the public notice and open meeting requirements of the Act. The author's office maintains that certain state bodies have allowed standing committees to hold closed-door meetings as long as they contain two rather than three members and do not vote to take action on items. The author's office believes such entities are intentionally limiting membership on standing committees to no more than two members for the explicit purpose of avoiding open meeting requirements.

The author's office states that prior to 1993, the Brown Act contained language very similar to the current language in the Act relative to standing committees. However, in the 90's when a local government entity attempted to claim a loophole existed for two-member standing committees, the Legislature promptly removed any ambiguity on the matter from the Brown Act (SB 1140 (Calderon), Chapter 1138, Statutes of 1993). A conforming change was not made, however, to the Act, as no change was thought necessary.

The author's office emphasizes that the ambiguity left in the Act is allowing state bodies to deliberate and direct staff behind closed doors. These state agencies are allowing standing committees to interpret the language of the Act in a manner that is contrary to the intent of the Legislature and the public.

The author's office states this bill is simply intended to clarify that all standing committees, including advisory committees, are subject to the transparency of open meeting regulations regardless of committee size or membership. This bill corrects the ability of state agencies to deny the public full transparency by clarifying current statute language, rather than expanding current law.

Background: When the Legislature enacted the Bagley-Keene Act of 1967, it essentially said that when a body sits down to develop its consensus, there needs to be a seat at the table reserved for the public. In doing so, the Legislature has provided the public with the ability to monitor and be part of the decision-making process. The Act



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explicitly mandates open meetings for California State agencies, boards, and commissions. It facilitates transparency of government activities and protects the rights of citizens to participate in state government deliberations. Therefore, absent a specific reason to keep the public out of meetings, the public is allowed to monitor and participate in the decision-making process. Similarly, the Brown Act protects citizen's rights to open meetings at the local and county government levels.

Existing law defines an advisory board, commission, committee, and subcommittee of a state body that is comprised of three or more persons and created by a formal action of the body as a "state body" for purposes of the Act. This generally requires state agencies, boards, and commissions to publicly notice meetings, prepare formal agendas, accept public testimony, and conduct meetings in public, unless specifically authorized to meet in closed session.

Related Legislation

Current Session:

None.

Prior Sessions:

AB 2058 (Wilk), 2013-2014 Legislative Session. An urgency measure would have required all standing committees of a state body, irrespective of composition, that has a continuing subject matter jurisdiction or fixed meeting schedule to comply with the provisions of the Act. Vetoed by Governor Brown. The veto message stated, "This bill expands the definition of a state body, under the Bagley-Keene Open Meeting Act, to standing advisory committees with one or two members. Any meeting involving formal action by a state body should be open to the public. An advisory committee, however, does not have authority to act on its own and must present any findings and recommendations to a larger body in a public setting for formal action. That should be sufficient."

AB 2720 (Ting), Chapter 510, Statutes of 2014. Requires a state body to publicly report any action taken at an open meeting, and the vote or abstention on that action, of each member present for the action.

SB 751 (Yee), Chapter 257, Statutes of 2013. Required local agencies to publicly report any action taken and the vote or abstention of each member of a legislative body.

SB 103 (Liu), 2011-12 Session. Would have made substantive changes to provisions of the Act relating to teleconference meetings. (Died Assembly Appropriations Suspense File)



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AB 277 (Mountjoy), Chapter 288, Statutes of 2005. Made permanent certain provisions authorizing closed sessions for purposes of discussing security related issues pertaining to a state body.

AB 192 (Canciamilla), Chapter 243, Statutes of 2001. Made various changes to the Act, which governs meetings held by state bodies, to make it consistent with provisions of the Brown Act, which governs meetings of legislative bodies of local agencies.

SB 95 (Ayala), Chapter 949, Statutes of 1997. Made numerous changes to the Act by expanding the notice, disclosure and reporting requirements for open and closed meetings of state bodies.

SB 752 (Kopp) Chapter 32 of 1994; SB 1140 (Calderon) Chapter 1138 of 1993; and SB 36 (Kopp) Chapter 1137 of 1993. These measures extensively amended the Brown Act.

Fiscal Impact:

According to the Assembly Appropriations Committee, potentially significant General Fund costs, in excess of \$750,000, to state agencies for complying with notice and open meeting requirements in instances currently not subject to those requirements.

Support and Opposition

Arguments in Support: Writing in support, the California Association of Licensed Investigators states that AB 85 would provide for enhanced transparency in the proceedings of government.

Support: California Association of Licenses Investigators

Arguments in Opposition: Certain state professional boards contend this bill would essentially prevent them and their various committees from asking fewer than three members to review a document, draft a letter, provide expert analysis, or work on legal language without giving public notice. Opening such advisory activities to the public could greatly increase costs for staff to attend meetings and record minutes as well as contract for public meeting space. Under current law, the advisory activities of two-member bodies are already vetted and voted upon in publically noticed meetings of the whole committee or board.

Oppose:

California Board of Accountancy

Board of Behavioral Sciences

Board of Professional Engineers, Land Surveyors, and Geologists

California Board of Accountancy

California Acupuncture Board

California Board of Psychology

California Board of Vocational Nursing and Psychiatric Technicians



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California State Board of Pharmacy
Dental Board of California
Dental Hygiene Committee of California
Physician Assistant Board of the Medical Board of California

Comments

Last year, the Governor vetoed a similar measure, AB 2058 (Wilk). In this veto message of AB 2058, the Governor wrote, "an advisory committee does not have authority to act on its own and must present any findings and recommendations to a larger body in a public setting for formal action," which he argued should be sufficient for transparency purposes.

Action Required

None.

Physical Therapy Board of California

AB 85 – Open Meetings

Author: Wilk

TODAY'S LAW AS AMENDED^{1, 2}

~~SEC. 2.~~ SECTION 1.

Section 11121 of the Government Code is amended to read:

11121.

As used in this article, “state body” means each of the following:

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

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

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

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section 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.

SEC. 2.

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

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

¹ The text in this document shows how existing law will change January 1, 2016

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law



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August 6, 2015

The Honorable Scott Wilk
California State Assembly
State Capitol, Room 4158
Sacramento, CA 94249

Re: AB 85 (Wilk), as amended April 15, 2015 (Open Meetings) **OPPOSE**

Dear Assembly Member Wilk,

The Physical Therapy Board of California (Board) voted at its May 2015 meeting to take an oppose position on Assembly Bill (AB) 85.

AB 85 would require two-member advisory committees or panels of a “state body” (as defined in the Bagley-Keene Open Meeting Act) to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body and the advisory committee is supported, in whole or in part, by state funds.

This bill could prevent the Board, and its various committees, from asking fewer than three members to review a document, draft a letter, provide expert analysis, or work on legal language without public notice of these activities.

AB 85 could also prohibit two board members from visiting Legislators to discuss important consumer protection issues related to the practice of physical therapy, as it would be impractical, if not impossible, to publically notice legislative visits scheduled on short notice. In addition, making advisory activities of two members open to the public will greatly increase costs, as a staff member would need to travel to attend the meeting for the purpose of recording minutes. Agencies would also need to contract for meeting space that would be able to accommodate the public, thus incurring further costs. For these reasons, the Board has taken an oppose position on AB 85.

The Board appreciates the goal of this bill to increase public participation and government transparency. In the event that the Board would utilize an advisory committee of two members, we believe that the activities of two members are already given complete transparency and the chance for public input when they are fully vetted and voted upon in forums that are already open to the public.

Agenda Item # 9(A) – AB 85 Opposition Letter

The Physical Therapy Board of California has adopted and respectfully submits an oppose position to AB 85.

Thank you for your consideration of this request. If additional information is needed, please contact Brooke Arneson at (916) 561-8260.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debra J. Alviso', is written over a faint, light-colored rectangular stamp or watermark.

Debra J. Alviso, PT, DPT
Board President

Cc: Senator Ricardo Lara (Chair), Senate Appropriations Committee
Melinda McClain, Deputy Director of Legislative and Regulatory Review, Department of
Consumer Affairs



Physical Therapy Board of California

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

Physical Therapy Board of California

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Bill Analysis

Bill Number	AB 483	Version	Amended 6/22/15
Author	Patterson	Sponsor	Author
Subject	Healing Arts: Initial License Fees: Proration	Status	Senate Appropriations

Adopted Position:
Neutral

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Existing Law

1. Provides for the regulation and licensure of various professions and vocations by boards within the Department of Consumer Affairs (DCA). (Business and Professions Code (BPC) § 100-11506).
2. Establishes fees for initial licenses, initial temporary and permanent licenses, and original licenses for those various professions and vocations.
3. Provides that licenses for Physical Therapists expire at 12 midnight on the last day of the birth month of the licensee during the second year of a two-year term if not renewed, and prohibits the Physical Therapy Board of California from establishing a license fee that exceeds \$150. (BPC § 2644, 2688).

This Bill

1. Requires that the initial license or registration fee be prorated on a monthly basis for the following licenses:
 - a. Dentist;
 - b. Registered dental hygienist;
 - c. Registered dental hygienist in alternative practice
 - d. Registered dental hygienist in extended functions
 - e. Osteopathic physician and surgeon;
 - f. Occupational therapist
 - g. Physical therapist;
 - h. Registered veterinary technician;



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- i. Veterinarian;
- j. Acupuncturist;
- k. Architect

Background/Purpose

Purpose: This bill is sponsored by the Author. According to the Author's office, "AB 483 prorates the initial license fee for various professions on a monthly basis to ensure that licensees are not overcharged for their licenses, as is the case currently. By basing license expiration and renewal on a licensee's birth month, California law requires certain licensees to renew their license based on their date of birth rather than when they were first issued the license. While this policy was put in place to expedite license issuance, it can have an adverse financial effect on licensees who may have to pay the complete license issuance fee and then pay a full renewal fee once their birth month occurs after they are first license, even if only a few months have elapsed in between issuance and renewal. Because of this renewal policy, some licensees may last almost a full 2 7ear licensing term, while others may only last for a couple of months, yet the licensees in each case would pay the same initial license fee."

Background: Many of the boards within the DCA have implemented a birth date renewal program to calculate license expiration dates. Under the program, a license expires on the licensee's birth date or on the last day of the licensee's birth month on the second year of a two-year renewal term. For many boards, licensees submit applications for licensure at the same time (e.g. because of the timing of the exams). This causes boards to have a large number of applications for initial licenses during peak times. As a result, many boards now renew licenses based on birth date, rather than the date the license was issued, which helps prevent the boards from processing large numbers of applications or renewals at one time. Depending on the board, the initial license period can vary from a few months up to 24 months, depending on the applicant's birth month.

Related Legislation

Current Session:

AB 773 (Baker) will change the expiration date of a psychologist's license from the licensee's birthdate to two-years after the date of issuance. Status: This bill is pending in the Assembly Appropriations Committee.

Prior Sessions:

AB 1758 (Patterson), would have required that the fee for an initial temporary or permanent license or an original license be prorated on a monthly basis. It was amended in appropriations to authorize a board or committee to impose an additional



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fee to cover the reasonable costs of issuing an initial or original license that expires in less than 12 months. This bill was held in the Senate Appropriations Committee.

SB 2014 (Machado) of 2002 would have directed the Medical Board of California (MBC) to prorate its annual licensing fees in cases where the initial licensure period is less than two years, and deleted an obsolete oral examination fee authority. This bill was held in the Senate Appropriations Committee.

Fiscal Impact:

This bill is keyed fiscal by the Legislative Counsel. According to the Assembly Appropriations Committee analysis dated April 29, 2015, this bill will have the following fiscal impacts:

1. Revenue loss to affected boards attributable to lower average initial licensure fees of at least several hundred thousand dollars annually (various special funds). This may increase pressure on boards to raise their fees. However, in some cases, fees are already set at their statutory maximum.
2. Minor and absorbable costs to affected licensing boards associated with changing cashiering procedures, forms and materials (various special funds).
3. \$140,000 in Information Technology expenditures due to licensing system modifications (various special funds).

Support and Opposition

Support:

California Association for Health Services at Home
 California Physical Therapy Association
 California Veterinary Medical Association
 Fresno Chamber of Commerce
 Numerous Individuals

Arguments in Support:

The California Veterinary Medical Associations states “AB 483 allows for relief from compounding costs associated with licensing fees when an applicant finds that they will be required to pay a renewal fee soon after their initial licensing, due only to the unique timing of their birth date. This common sense measure is of particular benefit to the students graduating from our two veterinary colleges in California, who are already burdened with an average of \$100,000 of veterinary school debt. By allowing these applicants to pro-rate their licensing fees, this bill gives those who are starting out in the profession a bit more time to get their financial footing.”



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Arguments in Opposition:

Dental Hygiene Committee of California (DHCC)

The DHCC writes in opposition of this bill, noting that DHCC cited at its May 2015 meeting to take an oppose position on AB 483. “The DHCC supports the Author’s efforts to decrease financial burdens on newly-licensed professionals in our state; however AB 483 would place a significant financial burden on one of the DHCC’s main revenue sources and fund condition at this time. The DHCC is currently in release 2 of the DCA BreEZe online system and the DHCC’s existing licensing process has already been programmed into BreEZe. Adding the ability to prorate the original licensing fee on a monthly basis would require additional programming expenses and expensive change orders to the system. In addition, the Committee would stand to lose revenue if this bill were to pass, due to the proration of the \$100 original license fee. The DHCC would need to pursue a fee increase to the original licensing fee equivalent to the current renewal fee of \$160 (a \$60 increase) to replace the lost revenue from having to prorate the fee (the original license fee has a statutory maximum of \$250). Due to the significant fiscal impact of this bill and the DHCC’s inability to absorb these costs at this time, the DHCC respectfully opposes AB 483.”

Comments

The Medical Board of California (MBC) was previously included in this bill, however requested to be exempted because they are adopting a different initial license system pursuant to AB 773 (Baker, 2015), which establishes a full two year license based on the issue date rather than the applicants birth date.

Action Required

None, this bill analysis for AB 483 is for informational purposes only. The Board has adopted a neutral position regarding AB 483 at this time.

Physical Therapy Board of California

AB 483 – Healing Arts: Initial License Fees: Proration

Author: Patterson

TODAY'S LAW AS AMENDED^{1, 2}

SECTION 1.

Section 1724 of the Business and Professions Code is amended to read:

1724.

The amount of charges and fees for dentists licensed pursuant to this chapter shall be established by the board as is necessary for the purpose of carrying out the responsibilities required by this chapter as it relates to dentists, subject to the following limitations:

(a) The fee for application for examination shall not exceed five hundred dollars (\$500).

(b) The fee for application for reexamination shall not exceed one hundred dollars (\$100).

(c) The fee for examination and for reexamination shall not exceed eight hundred dollars (\$800). Applicants who are found to be ineligible to take the examination shall be entitled to a refund in an amount fixed by the board.

(d) The fee for an initial license and for the renewal of a license is five hundred twenty-five dollars (\$525). *The fee for an initial license fee shall be prorated on a monthly basis.*

(e) The fee for a special permit shall not exceed three hundred dollars (\$300), and the renewal fee for a special permit shall not exceed one hundred dollars (\$100).

(f) The delinquency fee shall be the amount prescribed by Section 163.5.

(g) The penalty for late registration of change of place of practice shall not exceed seventy-five dollars (\$75).

(h) The application fee for permission to conduct an additional place of practice shall not exceed two hundred dollars (\$200).

¹ The text in this document shows how existing law will change January 1, 2016

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

- (i) The renewal fee for an additional place of practice shall not exceed one hundred dollars (\$100).
- (j) The fee for issuance of a substitute certificate shall not exceed one hundred twenty-five dollars (\$125).
- (k) The fee for a provider of continuing education shall not exceed two hundred fifty dollars (\$250) per year.
- (l) The fee for application for a referral service permit and for renewal of that permit shall not exceed twenty-five dollars (\$25).
- (m) The fee for application for an extramural facility permit and for the renewal of a permit shall not exceed twenty-five dollars (\$25).

The board shall report to the appropriate fiscal committees of each house of the Legislature whenever the board increases any fee pursuant to this section and shall specify the rationale and justification for that increase.

SEC. 2.

Section 1944 of the Business and Professions Code is amended to read:

1944.

(a) The committee shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, shall remain in effect until modified by the committee. The fees are subject to the following limitations:

- (1) The application fee for an original license and the fee for *the* issuance of an original license shall not exceed two hundred fifty dollars (\$250). *The fee for the issuance of an original license shall be prorated on a monthly basis.*
- (2) The fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.
- (3) For third- and fourth-year dental students, the fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.
- (4) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed the actual cost of the examination.

- (5) The fee for examination for licensure as a registered dental hygienist in alternative practice shall not exceed the actual cost of administering the examination.
- (6) The biennial renewal fee shall not exceed one hundred sixty dollars (\$160).
- (7) The delinquency fee shall not exceed one-half of the renewal fee. Any delinquent license may be restored only upon payment of all fees, including the delinquency fee, and compliance with all other applicable requirements of this article.
- (8) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall not exceed twenty-five dollars (\$25) or one-half of the renewal fee, whichever is greater.
- (9) The fee for certification of licensure shall not exceed one-half of the renewal fee.
- (10) The fee for each curriculum review and site evaluation for educational programs for dental hygienists who are not accredited by a committee-approved agency shall not exceed two thousand one hundred dollars (\$2,100).
- (11) The fee for each review or approval of course requirements for licensure or procedures that require additional training shall not exceed seven hundred fifty dollars (\$750).
- (12) The initial application and biennial fee for a provider of continuing education shall not exceed five hundred dollars (\$500).
- (13) The amount of fees payable in connection with permits issued under Section 1962 is as follows:
- (A) The initial permit fee is an amount equal to the renewal fee for the applicant's license to practice dental hygiene in effect on the last regular renewal date before the date on which the permit is issued.
- (B) If the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued.
- (b) The renewal and delinquency fees shall be fixed by the committee by resolution at not more than the current amount of the renewal fee for a license to practice under this article nor less than five dollars (\$5).
- (c) Fees fixed by the committee by resolution pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(d) Fees collected pursuant to this section shall be collected by the committee and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund shall, upon appropriation by the Legislature in the annual Budget Act, be used to implement ~~the provisions of~~ this article.

(e) No fees or charges other than those listed in this section shall be levied by the committee in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(f) The fee for registration of an extramural dental facility shall not exceed two hundred fifty dollars (\$250).

(g) The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars (\$150).

(h) The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred fifty dollars (\$250).

(i) The fee for an additional office permit shall not exceed two hundred fifty dollars (\$250).

(j) The biennial renewal fee for an additional office as described in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

(k) The initial application and biennial special permit fee is an amount equal to the biennial renewal fee specified in paragraph (6) of subdivision (a).

(l) The fees in this section shall not exceed an amount sufficient to cover the reasonable regulatory cost of carrying out ~~the provisions of~~ this article.

SEC. 3.

Section 2456.1 of the Business and Professions Code is amended to read:

2456.1.

(a) All osteopathic physician's and surgeon's certificates shall expire at 12 midnight on the last day of the birth month of the licensee during the second year of a two-year term if not renewed on or before that day.

(b) The board shall establish by regulation procedures for the administration of a birth date renewal program, including, but not limited to, the establishment of a system of staggered license expiration dates such that a relatively equal number of licenses expire monthly.

(c) To renew an unexpired license, the licensee shall, on or before the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board and pay the prescribed renewal fee.

(d) *The fee assessed pursuant to this section shall be prorated on a monthly basis.*

~~SEC. 5.~~ **SEC. 4.**

Section 2570.16 of the Business and Professions Code is amended to read:

2570.16.

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

- (a) An application fee not to exceed fifty dollars (\$50).
- (b) A late renewal fee as provided for in Section 2570.10.
- (c) A limited permit fee.
- (d) A fee to collect fingerprints for criminal history record checks.

~~SEC. 6.~~ **SEC. 5.**

Section 2688 of the Business and Professions Code is amended to read:

2688.

The amount of fees assessed in connection with licenses issued under this chapter is as follows:

- (a) (1) The fee for an application for licensure as a physical therapist submitted to the board prior to March 1, 2009, shall be seventy-five dollars (\$75). The fee for an application submitted under Section 2653 to the board prior to March 1, 2009, shall be one hundred twenty-five dollars (\$125).
- (2) The fee for an application for licensure as a physical therapist submitted to the board on or after March 1, 2009, shall be one hundred twenty-five dollars (\$125). The fee for an application submitted under Section 2653 to the board on or after March 1, 2009, shall be two hundred dollars (\$200).
- (3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of an application fee under this subdivision to an amount that does not exceed

the cost of administering the application process, but in no event shall the application fee amount exceed three hundred dollars (\$300).

(b) The examination and reexamination fees for the physical therapist examination, physical therapist assistant examination, and the examination to demonstrate knowledge of the California rules and regulations related to the practice of physical therapy shall be the actual cost to the board of the development and writing of, or purchase of the examination, and grading of each written examination, plus the actual cost of administering each examination. The board, at its discretion, may require the licensure applicant to pay the fee for the examinations required by Section 2636 directly to the organization conducting the examination.

(c) (1) The fee for a physical therapist license issued prior to March 1, 2009, shall be seventy-five dollars (\$75).

(2) The fee for a physical therapist license issued on or after March 1, 2009, shall be one hundred dollars (\$100).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of administering the process to issue the license, but in no event shall the fee to issue the license exceed one hundred fifty dollars (\$150).

(4) The fee assessed pursuant to this subdivision for an initial physical therapist license issued on or after January 1, 2016, shall be prorated on a monthly basis.

(d) (1) The fee to renew a physical therapist license that expires prior to April 1, 2009, shall be one hundred fifty dollars (\$150).

(2) The fee to renew a physical therapist license that expires on or after April 1, 2009, shall be two hundred dollars (\$200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the renewal fee under this subdivision to an amount that does not exceed the cost of the renewal process, but in no event shall the renewal fee amount exceed three hundred dollars (\$300).

(e) (1) The fee for application and for issuance of a physical therapist assistant license shall be seventy-five dollars (\$75) for an application submitted to the board prior to March 1, 2009.

(2) The fee for application and for issuance of a physical therapist assistant license shall be one hundred twenty-five dollars (\$125) for an application submitted to the board on

or after March 1, 2009. The fee for an application submitted under Section 2653 to the board on or after March 1, 2009, shall be two hundred dollars (\$200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of administering the application process, but in no event shall the application fee amount exceed three hundred dollars (\$300).

(f) (1) The fee to renew a physical therapist assistant license that expires prior to April 1, 2009, shall be one hundred fifty dollars (\$150).

(2) The fee to renew a physical therapist assistant license that expires on or after April 1, 2009, shall be two hundred dollars (\$200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the renewal fee under this subdivision to an amount that does not exceed the cost of the renewal process, but in no event shall the renewal fee amount exceed three hundred dollars (\$300).

(g) Notwithstanding Section 163.5, the delinquency fee shall be 50 percent of the renewal fee in effect.

(h) (1) The duplicate wall certificate fee shall be fifty dollars (\$50). The duplicate renewal receipt fee amount shall be fifty dollars (\$50).

(2) Notwithstanding paragraph (1), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of issuing duplicates, but in no event shall that fee exceed one hundred dollars (\$100).

(i) (1) The endorsement or letter of good standing fee shall be sixty dollars (\$60).

(2) Notwithstanding paragraph (1), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of issuing an endorsement or letter, but in no event shall the fee amount exceed one hundred dollars (\$100).

~~SEC. 7.~~ **SEC. 6.**

Section 4842.5 of the Business and Professions Code is amended to read:

4842.5.

The amount of fees prescribed by this article is ~~that~~ fixed by the following schedule:

(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed three hundred fifty dollars (\$350).

(b) The fee for the California registered veterinary technician examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed three hundred dollars (\$300).

(c) The initial registration fee shall be set by the board at not more than three hundred fifty dollars ~~(\$350), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board at not more than one hundred seventy-five dollars (\$175).~~ *(\$350) and shall be prorated on a monthly basis.* The board may adopt regulations to provide for the waiver or refund of the initial registration fee ~~where~~ *when* the registration is issued less than 45 days before the date on which it will expire.

(d) The biennial renewal fee shall be set by the board at not more than three hundred fifty dollars (\$350).

(e) The delinquency fee shall be set by the board at not more than fifty dollars (\$50).

(f) Any charge made for duplication or other services shall be set at the cost of rendering the services.

(g) The fee for filing an application for approval of a school or institution offering a curriculum for training registered veterinary technicians pursuant to Section 4843 shall be set by the board at an amount not to exceed three hundred dollars (\$300). The school or institution shall also pay for the actual costs of an onsite inspection conducted by the board pursuant to Section 2065.6 of Title 16 of the California Code of Regulations, including, but not limited to, the travel, food, and lodging expenses incurred by an inspection team sent by the board.

(h) The fee for failure to report a change in the mailing address is twenty-five dollars (\$25).

~~SEC. 8.~~*SEC. 7.*

Section 4905 of the Business and Professions Code is amended to read:

4905.

The following fees shall be collected by the board and shall be credited to the Veterinary Medical Board Contingent Fund:

- (a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).
- (b) The fee for the California state board examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).
- (c) The fee for the Veterinary Medicine Practice Act examination shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed one hundred dollars (\$100).
- (d) The initial license fee shall be set by the board not to exceed five hundred dollars (\$500) ~~except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board at not to exceed two hundred fifty dollars (\$250). The board may, and shall be prorated on a monthly basis. The board,~~ by appropriate regulation, *may* provide for the waiver or refund of the initial license fee ~~where~~ *when* the license is issued less than 45 days before the date on which it will expire.
- (e) The renewal fee shall be set by the board for each biennial renewal period in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed five hundred dollars (\$500).
- (f) The temporary license fee shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed two hundred fifty dollars (\$250).
- (g) The delinquency fee shall be set by the board, not to exceed fifty dollars (\$50).
- (h) The fee for issuance of a duplicate license is twenty-five dollars (\$25).
- (i) Any charge made for duplication or other services shall be set at the cost of rendering the service, except as specified in subdivision (h).
- (j) The fee for failure to report a change in the mailing address is twenty-five dollars (\$25).
- (k) The initial and annual renewal fees for registration of veterinary premises shall be set by the board in an amount not to exceed four hundred dollars (\$400) annually.
- ~~(l)~~ *(l)* If the money transferred from the Veterinary Medical Board Contingent Fund to the General Fund pursuant to the Budget Act of 1991 is redeposited into the Veterinary Medical Board Contingent Fund, the fees assessed by the board shall be reduced correspondingly. However, the reduction shall not be so great as to cause the

Veterinary Medical Board Contingent Fund to have a reserve of less than three months of annual authorized board expenditures. The fees set by the board shall not result in a Veterinary Medical Board Contingent Fund reserve of more than 10 months of annual authorized board expenditures.

~~SEC. 9.~~ **SEC. 8.**

Section 4970 of the Business and Professions Code is amended to read:

4970.

The amount of fees prescribed for licensed acupuncturists shall be those set forth in this section unless a lower fee is fixed by the board in accordance with Section ~~4972:~~ **4972.**

- (a) The application fee shall be seventy-five dollars (\$75).
- (b) The examination and reexamination fees shall be the actual cost to the Acupuncture Board for the development and writing of, grading, and administering of each examination.
- (c) The initial license fee shall be three hundred twenty-five dollars ~~(\$325), except that if the license will expire less than one year after its issuance, then the initial license fee shall be an amount equal to 50 percent of the initial license fee.~~ **(\$325) and shall be prorated on a monthly basis.**
- (d) The renewal fee shall be three hundred twenty-five dollars (\$325) and in the event a lower fee is fixed by the board, shall be an amount sufficient to support the functions of the board in the administration of this chapter. The renewal fee shall be assessed on an annual basis until January 1, 1996, and on and after that date the board shall assess the renewal fee biennially.
- (e) The delinquency fee shall be set in accordance with Section 163.5.
- (f) The application fee for the approval of a school or college under Section 4939 shall be three thousand dollars (\$3,000). This subdivision shall become inoperative on January 1, 2017.
- (g) The duplicate wall license fee is an amount equal to the cost to the board for the issuance of the duplicate license.
- (h) The duplicate renewal receipt fee is ten dollars (\$10).
- (i) The endorsement fee is ten dollars (\$10).

(j) The fee for a duplicate license for an additional office location as required under Section 4961 shall be fifteen dollars (\$15).

~~SEC. 10.~~ **SEC. 9.**

Section 5604 of the Business and Professions Code is amended to read:

5604.

The fees prescribed by this chapter for architect applicants or architect licenseholders shall be fixed by the board as follows:

- (a) The application fee for reviewing a candidate's eligibility to take any section of the examination ~~may shall~~ not exceed one hundred dollars (\$100).
- (b) The fee for any section of the examination administered by the board ~~may shall~~ not exceed one hundred dollars (\$100).
- (c) The fee for an original license at an amount equal to the renewal fee in effect at the time the license is ~~issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect at the time the license is issued. The board may,~~ issued. *The fee for an original license shall be prorated on a monthly basis. The board,* by appropriate regulation, *may* provide for the waiver or refund of the fee for an original license if the license is issued less than 45 days before the date on which it will expire.
- (d) The fee for an application for reciprocity ~~may shall~~ not exceed one hundred dollars (\$100).
- (e) The fee for a duplicate license ~~may shall~~ not exceed twenty-five dollars (\$25).
- (f) The renewal fee ~~may shall~~ not exceed four hundred dollars (\$400).
- (g) The delinquency fee ~~may shall~~ not exceed 50 percent of the renewal fee.
- (h) The fee for a retired license ~~may shall~~ not exceed the fee prescribed in subdivision (c).



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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August 5, 2015

The Honorable Jim Patterson
California State Assembly
State Capitol, Suite 3132
Sacramento, CA 94249

Re: AB 483 – Healing Arts: Initial License Fees: Proration

Dear Assembly Member Patterson:

The Physical Therapy Board of California (Board) would like to thank you for taking amendments to remove the Board from AB 483. This bill would require initial licensing fees for physical therapists to be prorated on a monthly basis. The Board's current initial license fee already incorporates a form of proration and the initial license fee is less than subsequent renewals. The current license fee structure of the Board matches the intent of AB 483. We agree with the amendment removing the Board from AB 483.

As president, I am able to take interim positions on bills. With the amendment of removing the Board, I am able to extend a neutral position on AB 483.

I would like to thank you for your consideration of our concerns, and thank your staff for their assistance.

Sincerely,

Debra J. Alviso, PT, DPT
Board President

Cc: Senator Ricardo Lara, Chair of the Senate Appropriations Committee
Assembly Member Richard S. Gordon, Chair of the Rules Committee
Melinda McClain, Deputy Director of Legislative and Regulatory Review, Department of Consumer Affairs



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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July 2, 2015

The Honorable Jim Patterson
California State Assembly
State Capitol, Suite 3132
Sacramento, CA 94249

Re: AB 483 – Healing Arts: Initial License Fees: Proration

The Physical Therapy Board of California (Board) takes an Oppose Unless Amended position on AB 483.

The Board supports charging fair fees; however, it does have a number of concerns with the bill in its current form:

1. Our current initial license fee already incorporates a form of proration. The initial license fee is less than subsequent renewals. The proration proposed in AB 483 would be based upon an already prorated license fee rather than the 2-year renewal fee.
2. Physical therapist assistants are not currently charged an initial license fee.
3. The Board is currently transitioning from existing legacy system to the BreEZe system. The state of the system conversion makes adapting to a license fee structure change very difficult. We foresee significant difficulty in implementing the fee structure change of AB 483.

In compliance with Business and Professions Code (BPC) section 134¹, the Board charges an initial licensing fee of \$100, which is half of the current renewal fee. This fee is set forth in BPC § 2688. An initial license is valid for a period of 13-24 months before renewal. This reduced fee for the initial license has provided a way to reasonably accommodate the varied initial licensure period. To apply the proration proposed in AB 483, based upon the current initial license fee, will result in loss of proper revenue for the Board. To have AB 483 apply appropriately to the Board, the initial license fee (BPC § 2688), would need to be amended to set the fee at \$200. This is in line with the current renewal fee and the correct basis for the proration of AB 483.

¹ BPC § 134 states, "When the term of any license issued by any agency in the department exceeds one year, initial license fees for licenses which are issued during a current license term shall be prorated on a yearly basis."

The Board also licenses physical therapist assistants; however, physical therapist assistant applicants do not pay an initial license fee. This was an oversight in the drafting of AB 2111 (Smyth, Chapter 301, Statutes of 2008) when the Board increased its fees. To apply the proration proposed in AB 483, BPC § 2688 would need to be amended to establish a licensing fee for physical therapist assistants.

We are in agreement with the intent of this bill. Our current fee structure has a similar effect of prorated license fee. With consideration for the issues of application noted above, we respectfully request that The Physical Therapy Board of California be removed from this bill.

Thank you for your consideration of this request. If additional information is needed, please contact Brooke Arneson at (916) 561-8260.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debra J. Alviso', is enclosed in a thin black rectangular border.

Debra J. Alviso, PT, DPT
Board President

Cc: Senator Jerry Hill, Senate Business, Professions and Economic Development Committee
Assembly Member Richard S. Gordon, Chair of the Rules Committee
Melinda McClain, Deputy Director of Legislative and Regulatory Review, Department of Consumer Affairs



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Bill Analysis

Bill Number	AB 1351	Version	Amended 6/1/15
Author	Eggman	Sponsor	Author
Subject	Deferred Entry of Judgment: Pretrial Diversion	Status	Senate Appropriations Committee

Adopted Position:

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Existing Law

1. Provides that the entry of judgment may be deferred for a defendant charged with specific controlled substance offenses if the defendant meets specific criteria, including that he or she has no prior convictions for any offense involving a controlled substance and no prior felony convictions within five years. (Pen Code § 1000).
2. Provides that upon successful completion of a deferred entry of judgment, the arrest upon which the judgment was deferred shall be deemed to never have occurred. The defendant may in response to any question in regard to his or her prior criminal record that he or she was not arrested or granted deferred entry of judgment, except as specified. (Pen. Code § 1000.4, subd. (a).) States that a record pertaining to an arrest resulting in successful completion of a deferred entry of judgment program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate. (Pen. Code § 1000.4, subd. (a).)
3. Requires that a defendant be advised that regardless of his or her successful completion of a deferred entry of judgment program, the arrest upon which the case was based, may be disclosed by the Department of Justice (DOJ) in response to any peace officer application request, and that the defendant is obligated to disclose the arrest in response to any direct question on the application. (Pen. Code § 1000.4, subd. (b).)
4. Provides that a superior court may administer a pre-plea drug diversion program if the court, the county district attorney and the public defender agree. (Pen. Code § 1000.5.)



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This Bill

1. This bill would change the existing deferred entry of judgment (DEJ) program for specified offenses involving personal use or possession of controlled substances into a pretrial drug diversion program.
2. Requires, to be eligible for diversion, that the defendant must not have a prior conviction for a controlled substance offense other than the offenses that may be diverted; the offense charged must not have involved violence or threatened violence; there must be no evidence in the current incident that the defendant committed a drug offense other than an offense that may be diverted; and the defendant must not have any conviction for a serious or violent felony, as define, within five years of the current charges.
3. Provides that a defendant's participation in pretrial diversion shall not constitute a conviction or an admission of guilt in any action or proceeding.
4. Changes the minimum time allowed prior to dismissal of the case from 18 months to six months, and the maximum time the proceedings in the case can be suspended from three years to one year, except the court can extend the length of the program for good cause.
5. Provides that if the prosecuting attorney, the court, or the probation department believes that the defendant is performing unsatisfactorily in the program, or that he or she has been convicted of an offense that indicates the defendant is prone to violence, or the defendant is convicted of a felony, the prosecuting attorney, the court, or the probation department may move for termination of diversion.
6. Provides that if the court finds that the defendant is not performing satisfactorily in the assigned program, or the court finds that the defendant has been convicted of a specified type of crime, the court shall reinstate the criminal charge or charges and schedule the matter for further proceedings.
7. States if the defendant has completed pretrial diversion, at the end of that period, the criminal charge or charges shall be dismissed. Upon successful completion of a pretrial diversion program, the arrest upon which the defendant was diverted shall be deemed to have never occurred.
8. Retains provisions in the current DEJ law that are consistent with to pre-trial diversion.
9. States that a participant in a pretrial diversion program or a pre-guilty plea program shall be allowed, under the direction of a licensed practitioner, to use



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medications - including but not limited to methadone, buprenorphine and levoalphacetylmethadol (LAAM) - to treat substance use disorders if the participant allows release of his or her medical records to the court for the limited purpose of determining whether or not the participant is using such medications under the direction of a licensed practitioner and is in compliance with the pretrial diversion or pre-guilty plea program rules.

Background/Purpose

Purpose: The purpose of this bill is to:

1. Convert the existing system of deferred entry of judgment (DEJ) for qualified drug possession offenders - generally those with no prior convictions or non-drug current charges - to a true diversion system, under which eligible defendants are admitted to an education and treatment program prior to conviction and granted of a dismissal of the charges upon successful completion of the program;
2. Allow persons previously convicted of a drug possession offense, or who have previously participated in a diversion or DEJ program, or those for whom parole or probation has been revoked may participate in a diversion program; and
3. Set the length of the program from six months to one year, except that the court can extend that time for good cause.

According to the author, "This bill seeks to limit harsh consequences to immigrants by changing the current process for nonviolent, misdemeanor drug offenses from deferred entry of judgment (DEJ) to pretrial diversion. While the current DEJ process eliminates a conviction if a defendant successfully completes DEJ, the defendant may still face federal consequences, including deportation if the defendant is undocumented, or the prohibition from becoming a U.S. citizen if the defendant is a legal permanent resident. This is systemic injustice to immigrants in this country, but even U.S. citizens may face federal consequences, including loss of federal housing and educational benefits." "Given that President Obama has publicly called for immigration officials to focus on violent, dangerous felons, this bill will have a profoundly positive impact on more than 2 million undocumented immigrants and the more than 3 million legal permanent residents living in California by eliminating the draconian consequences faced by immigrants who participate in diversion programs in good faith. This bill will keep families together, help people retain eligibility for U.S. citizenship, and also preserve access to other benefits for those who qualify."

Background:

Under existing law, a defendant charged with violations of certain specified drug offenses may be eligible to participate in a DEJ program if he or she meets specified



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criteria. With DEJ, a defendant must enter a guilty plea and entry of judgment on the defendant's guilty plea is deferred pending successful completion of a program or other conditions. If a defendant placed in a DEJ program fails to complete the program or comply with conditions imposed, the court may resume criminal proceedings and the defendant, having already pleaded guilty, would be sentenced. If the defendant successfully completes DEJ, the arrest shall be deemed to never have occurred and the defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or granted pretrial diversion for the offense. Diversion, on the other hand, suspends the criminal proceedings without requiring the defendant to enter a plea. Diversion also requires the defendant to successfully complete a program and other conditions imposed by the court. Unlike DEJ however, if a defendant does not successfully complete the diversion program, criminal proceedings resume but the defendant, having not entered a plea, may still proceed to trial or enter a plea. If diversion is successfully completed, the criminal charges are dismissed and the defendant may, with certain exceptions, legally answer that he or she has never been arrested or charged for the diverted offense. In order to avoid adverse immigration consequences, diversion of an offense is preferable to DEJ because the defendant is not required to plea guilty in order to participate in the program. Having a conviction for possession of controlled substances, even if dismissed, could trigger deportation proceedings or prevent a person from becoming a U.S. citizen.

This bill seeks to minimize the potential exposure to adverse immigration consequences for persons who commit minor drug possession offenses by re-establishing a pretrial diversion program for minor drug possession. Prior to 1997, the program was a pretrial diversion program, but SB 1369 (Kopp), Chapter 1132, Statutes of 1996, changed the diversion program to a DEJ program. Current law authorizes counties to establish and conduct a pre guilty plea drug court program wherein criminal proceedings are suspended without a plea of guilty for designated defendants if so agreed upon in writing by the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender. If the defendant is not performing satisfactorily in the program, the court may reinstate criminal proceedings. If the defendant has performed satisfactorily during the period of the pre guilty plea program, at the end of that period, the criminal charge or charges shall be dismissed.

Related Legislation

Current Legislation:

AB 1352 (Eggman) requires a court to allow a defendant to withdraw his or her guilty or nolo contendere plea and thereafter dismiss the case upon a finding that the case was dismissed after the defendant completed DEJ and that the plea may result in the denial or loss to the defendant, as specified.



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Previous/Prior Related Legislation:

SB 1369 (Kopp), Chapter 1132, Statutes of 1996, changed the diversion program for drug offenders to a deferred entry of judgment program. Increased the time allowed before a case can be dismissed from a period of no less than six months to two years, to a period of no less than 18 months to 3 years.

Fiscal Impact:

According to the Assembly Appropriations Committee, significant costs, in the hundreds of thousands of dollars (GF), to the courts for additional court trials since more individuals will likely plead innocent to drug offenses, even after failing the diversion program. The incentive to plead guilty to qualify for the DEJ is removed by this bill.

Support and Opposition

Arguments in Support: The Immigrant Legal Resource Center (ILRC), a sponsor of this bill, writes, "AB 1351 will amend Penal Code 1000 et seq. to allow courts to order pre-trial diversion, rather than require a guilty plea. This was the way that PC 1000 worked until 1997. Because there will be no guilty plea, there will be no 'conviction' for federal immigration purposes. For any person who fails to adhere to conditions of a pre-trial diversion program, the court could reinstate the charges and schedule proceedings pursuant to existing law. Diversion will not be allowed for any person charged with drug sale, or possession for sale, nor will be allowed for persons who involve minors in drug sales or provide drugs to minors."

Support:

- Drug Policy Alliance (Sponsor)
- American Civil Liberties Union of California (Co-Sponsor)
- Coalition for Humane Immigrant Rights of Los Angeles (Co-Sponsor)
- Mexican American Legal Defense and Education Fund (MALDEF) (Co-Sponsor)
- National Council of La Raza (Co-Sponsor)
- African Advocacy Network
- Asian Americans Advancing Justice – Asian Law Caucus
- Asian Americans Advancing Justice – L.A.
- Asian Law Alliance
- California Attorneys for Criminal Justice
- California Immigrant Policy Center
- California Partnership
- California Public Defenders Association
- California Rural Legal Assistance Foundation
- Californians for Safety and Justice



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Californians United for a Responsible Budget
 Central American Resource Center – Los Angeles
 Chinese for Affirmative Action
 Community United Against Violence
 Congregations Building Community
 Del Sol Group
 Dolores Street Community Services
 Faith in Action Kern County
 Friends Committee on Legislation of California
 Harvey Milk LGBT Democratic Club
 Human Rights Watch
 Immigration Action Group
 Institute for Justice
 Lawyers' Committee for Civil Rights of the San Francisco Bay Area
 Legal Services for Prisoners with Children
 Los Angeles Regional Reentry Partnership
 Justice Not Jails
 MAAC
 Mujeres Unidas y Activas
 National Association of Social Workers – California Chapter
 National Day Laborer Organizing Network
 National Immigration Law Center
 Pangea Legal Services
 PICO California
 Placer People of Faith
 Presente.org
 Progressive Christians Uniting;
 Red Mexicana de Lideres y Organizaciones Migrantes
 Santa Clara County Public Defender's Office
 Silicon Valley De-Bug
 Solutions for Immigrants
 William C. Velasquez Institute
 Vital Immigrant Defense Advocacy and Services (VIDAS)
 One private individual

Arguments in Opposition:

According to the California District Attorneys Association, "AB 1351 would turn [the current] process on its head, allowing the defendant to enter a treatment program *before* entering a plea. If the program was not completed successfully, only then would criminal proceedings actually begin. From a practical standpoint, this creates tremendous problems for prosecutors, as it becomes much more difficult to locate witnesses and maintain evidence many months after the offense has occurred.



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Opposition:

California District Attorneys Association

California State Board of Pharmacy

California State Sheriff's Association

Comments

None.

Action Required

Staff recommend an Oppose position at this time.

Physical Therapy Board of California

AB 1351 – Deferred Entry of Judgment: Pretrial Diversion

Author: Eggman

TODAY'S LAW AS AMENDED^{1, 2}

SECTION 1.

Section 1000 of the Penal Code is amended to read:

1000.

(a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for a violation of Section 11350, 11357, 11364, or 11365, paragraph (2) of subdivision (b) of Section 11375, Section 11377, or Section 11550 of the Health and Safety Code, or subdivision (b) of Section 23222 of the Vehicle Code, or Section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried, or processed is for personal use, or Section 11368 of the Health and Safety Code if the narcotic drug was secured by a fictitious prescription and is for the personal use of the defendant and was not sold or furnished to another, or subdivision (d) of Section 653f if the solicitation was for acts directed to personal use only, or Section 381 or subdivision (f) of Section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4060 of the Business and Professions Code, and it appears to the prosecuting attorney that, except as provided in subdivision (b) of Section 11357 of the Health and Safety Code, all of the following apply to the defendant:

- (1) The defendant has no *prior* conviction for any offense involving controlled substances ~~prior to the alleged commission of the charged offense.~~ *other than the offenses listed in this subdivision.*
- (2) The offense charged did not involve a crime of violence or threatened violence.
- (3) There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the sections listed in this subdivision.
- ~~(4) The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed.~~

¹ The text in this document shows how existing law will change January 1, 2016

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

~~(5) The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense.~~

~~(6)~~ (4) The defendant has no prior ~~felony~~ conviction within five years prior to the alleged commission of the charged ~~offense~~. *offense for a serious felony, as defined in subdivision (c) of Section 1192.7, or a violent felony, as defined in subdivision (c) of Section 667.5.*

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to ~~(6)~~, (4), inclusive, of subdivision (a) apply to the defendant. ~~Upon the agreement of the prosecuting attorney, law enforcement, the public defender, and the presiding judge of the criminal division of the superior court, or a judge designated by the presiding judge, this procedure shall be completed as soon as possible after the initial filing of the charges.~~ If the defendant is found eligible, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the hearing for ~~deferred entry~~ *pretrial diversion* of judgment at the arraignment. If the defendant is found ineligible for ~~deferred entry of judgment,~~ *pretrial diversion*, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. The sole remedy of a defendant who is found ineligible for ~~deferred entry of judgment~~ *pretrial diversion* is a postconviction appeal.

(c) All referrals for ~~deferred entry of judgment~~ *pretrial diversion* granted by the court pursuant to this chapter shall be made only to programs that have been certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to programs that provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that program meets the criteria set forth in this subdivision.

(d) ~~Deferred entry of judgment for a~~ *Pretrial diversion for an alleged* violation of Section 11368 of the Health and Safety Code shall not prohibit any administrative agency from taking disciplinary action against a licensee or from denying a license. Nothing in this subdivision shall be construed to expand or restrict the provisions of Section 1000.4.

(e) Any defendant who is participating in a program referred to in this section may be required to undergo analysis of his or her urine for the purpose of testing for the

presence of any drug as part of the program. However, ~~urine analysis~~ *urinalysis* results shall not be admissible as a basis for any new criminal prosecution or proceeding.

SEC. 2.

Section 1000.1 of the Penal Code is amended to read:

1000.1.

(a) If the prosecuting attorney determines that this chapter may be applicable to the defendant, he or she shall advise the defendant and his or her attorney in writing of that determination. This notification shall include all of the following:

(1) A full description of the procedures for ~~deferred entry of judgment~~ *pretrial diversion*.

(2) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the program, and the court in the process.

(3) A clear statement that ~~in lieu of trial~~, the court may grant ~~deferred entry of judgment~~ *pretrial diversion* with respect to any crime specified in subdivision (a) of Section 1000 that is charged, provided that the defendant pleads *not* guilty to ~~each of these charges and waives time for the pronouncement of judgment~~, ~~the charge or charges, waives the right to a speedy preliminary hearing, if applicable~~, and that upon the defendant's successful completion of a program, as specified in subdivision (c) of Section 1000, the positive recommendation of the program authority and the motion of the *defendant*, prosecuting attorney, the court, or the probation department, but no sooner than ~~18 six~~ months and no later than ~~three years~~ *one year* from the date of the defendant's referral to the program, the court shall dismiss the charge or charges against the defendant.

(4) A clear statement that upon any failure of treatment or condition under the program, or any circumstance specified in Section 1000.3, the prosecuting attorney or the probation department or the court on its own may make a motion to the court ~~for entry of judgment and the court shall render a finding of guilt to the charge or charges pled, enter judgment, and schedule a sentencing hearing~~ *to terminate pretrial diversion and schedule further proceedings* as otherwise provided in this code.

(5) An explanation of criminal record retention and disposition resulting from participation in the ~~deferred entry of judgment~~ *pretrial diversion* program and the defendant's rights relative to answering questions about his or her arrest and ~~deferred entry of judgment~~ *pretrial diversion* following successful completion of the program.

(b) If the defendant consents and waives his or her right to a speedy trial ~~or~~ *and* a speedy preliminary hearing, *if applicable*, the court may refer the case to the probation

department or the court may summarily grant ~~deferred entry of judgment if the defendant pleads guilty to the charge or charges and waives time for the pronouncement of judgment.~~ *pretrial diversion*. When directed by the court, the probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior controlled substance use, treatment history, if any, demonstrable motivation, and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which programs the defendant would benefit from and which programs would accept the defendant. The probation department shall report its findings and recommendations to the court. The court shall make the final determination regarding education, treatment, or rehabilitation for the defendant. If the court determines that it is appropriate, the court shall grant ~~deferred entry of judgment.~~ *pretrial diversion* if the defendant pleads *not* guilty to the charge or charges and waives ~~time for the pronouncement of judgment.~~ *the right to a speedy trial and to a speedy preliminary hearing, if applicable.*

(c) (1) No statement, or any information procured therefrom, made by the defendant to any probation officer or drug treatment worker, that is made during the course of any investigation conducted by the probation department or treatment program pursuant to subdivision (b), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation.

(2) No statement, or any information procured therefrom, with respect to the specific offense with which the defendant is charged, that is made to any probation officer or drug program worker subsequent to the granting of ~~deferred entry of judgment.~~ *pretrial diversion* shall be admissible in any action or ~~proceeding, including a sentencing hearing.~~ *proceeding.*

(d) A defendant's ~~plea of guilty.~~ *participation in pretrial diversion* pursuant to this chapter shall not constitute a conviction ~~for any purpose unless a judgment of guilty is entered pursuant to Section 1000.3.~~ *or an admission of guilt for any purpose.*

SEC. 3.

Section 1000.2 of the Penal Code is amended to read:

1000.2.

(a) The court shall hold a hearing and, after consideration of any information relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and if the defendant should be granted ~~deferred entry of judgment.~~ *If the*

~~court does not deem the defendant a person who would be benefited by deferred entry of judgment, or if the defendant~~ *pretrial diversion*. ~~If the defendant~~ does not consent to ~~participate,~~ *participate in pretrial diversion* the proceedings shall continue as in any other case.

(b) At the time that ~~deferred entry of judgment~~ *pretrial diversion* is granted, any bail bond or undertaking, or deposit in lieu thereof, on file by or on behalf of the defendant shall be exonerated, and the court shall enter an order so directing.

(c) The period during which ~~deferred entry of judgment~~ *pretrial diversion* is granted shall be for no less than ~~18 six~~ months nor longer than ~~three years.~~ *one year*. *However, the defendant may request and the court shall grant, for good cause shown, an extension of time to complete a program specified in subdivision (c) of Section 1000.* Progress reports shall be filed by the probation department with the court as directed by the court.

SEC. 4.

Section 1000.3 of the Penal Code is amended to read:

1000.3.

(a) If it appears to the prosecuting attorney, the court, or the probation department that the defendant is performing unsatisfactorily in the assigned program, or that the defendant is ~~not benefiting from education, treatment, or rehabilitation, or that the defendant is convicted of a misdemeanor~~ *convicted of an offense* that reflects the defendant's propensity for violence, or the defendant is convicted of a felony, ~~or the defendant has engaged in criminal conduct rendering him or her unsuitable for deferred entry of judgment, the~~ *the* prosecuting attorney, the court on its own, or the probation department may make a motion for ~~entry of judgment.~~ *termination from pretrial diversion*.

(b) After notice to the defendant, the court shall hold a hearing to determine whether ~~judgment should be entered.~~ *pretrial diversion shall be terminated*.

(c) If the court finds that the defendant is not performing satisfactorily in the assigned program, or ~~that the defendant is not benefiting from education, treatment, or rehabilitation, or the~~ *the* court finds that the defendant has been convicted of a crime as indicated ~~above, or that the defendant has engaged in criminal conduct rendering him or her unsuitable for deferred entry of judgment,~~ *in subdivision (a)* the court shall ~~render a finding of guilt to the charge or charges pled, enter judgment, and schedule a sentencing hearing~~ *schedule the matter for further proceedings* as otherwise provided in this code.

(d) If the defendant has ~~performed satisfactorily during the period in which deferred entry of judgment was granted,~~ *completed pretrial diversion*, at the end of that period, the criminal charge or charges shall be dismissed.

(e) Prior to dismissing the charge or charges or ~~rendering a finding of guilt and entering judgment,~~ *terminating pretrial diversion*, the court shall consider the defendant's ability to pay and whether the defendant has paid a diversion restitution fee pursuant to Section 1001.90, if ordered, and has met his or her financial obligation to the program, if any. As provided in Section 1203.1b, the defendant shall reimburse the probation department for the reasonable cost of any program investigation or progress report filed with the court as directed pursuant to Sections 1000.1 and 1000.2.

SEC. 5.

Section 1000.4 of the Penal Code is amended to read:

1000.4.

(a) Any record filed with the Department of Justice shall indicate the disposition in those cases ~~deferred- referred to pretrial diversion~~ pursuant to this chapter. Upon successful completion of a ~~deferred entry of judgment- pretrial diversion~~ program, the arrest upon which the ~~judgment defendant~~ was ~~deferred diverted~~ shall be deemed to have never occurred. The defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or granted ~~deferred entry of judgment- pretrial diversion~~ for the offense, except as specified in subdivision (b). A record pertaining to an arrest resulting in successful completion of a ~~deferred entry of judgment- pretrial diversion~~ program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

(b) The defendant shall be advised that, regardless of his or her successful completion of the ~~deferred entry of judgment- pretrial diversion~~ program, the arrest upon which ~~the judgment pretrial diversion~~ was ~~deferred based~~ may be disclosed by the Department of Justice in response to any peace officer application request and that, notwithstanding subdivision (a), this section does not relieve him or her of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

SEC. 6.

Section 1000.5 of the Penal Code is amended to read:

1000.5.

(a) The presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, may agree in writing to establish and conduct a preguilty plea drug court program pursuant to the provisions of this chapter, wherein criminal proceedings are suspended without a plea of guilty for designated defendants. The drug court program shall include a regimen of graduated sanctions and rewards, individual and group therapy, ~~urine analysis~~ *urinalysis* testing commensurate with treatment needs, close court monitoring and supervision of progress, educational or vocational counseling as appropriate, and other requirements as agreed to by the presiding judge or his or her designee, the district attorney, and the public defender. If there is no agreement in writing for a preguilty plea program by the presiding judge or his or her designee, the district attorney, and the public defender, the program shall be operated as a ~~deferred entry of judgment~~ *pretrial diversion* program as provided in this chapter.

(b) The provisions of Section 1000.3 and Section 1000.4 regarding satisfactory and unsatisfactory performance in a program shall apply to preguilty plea programs. If the court finds that (1) the defendant is not performing satisfactorily in the assigned program, (2) the defendant is not benefiting from education, treatment, or rehabilitation, (3) the defendant has been convicted of a crime specified in Section 1000.3, or (4) the defendant has engaged in criminal conduct rendering him or her unsuitable for the preguilty plea program, the court shall reinstate the criminal charge or charges. If the defendant has performed satisfactorily during the period of the preguilty plea program, at the end of that period, the criminal charge or charges shall be dismissed and the provisions of Section 1000.4 shall apply.

SEC. 7.

Section 1000.6 of the Penal Code is amended to read:

1000.6.

~~(a) Where a person is participating in a deferred entry of judgment program or a preguilty plea program pursuant to this chapter, the person may also participate in a licensed methadone or levoalphacetylmethadol (LAAM) program if the following conditions are met:~~

~~(1) The sheriff allows a methadone program to operate in the county jail.~~

~~(2) (a) The~~ *Where a person is participating in a pretrial diversion program or a preguilty plea program pursuant to this chapter, the person shall be allowed, under the direction of a licensed health care practitioner, to use medications including, but not limited to, methadone, buprenorphine, or levoalphacetylmethadol (LAAM) to treat substance use disorders if the* participant allows release of his or her medical records to the court

presiding over the participant's preguilty *plea* or ~~deferred entry pretrial diversion~~ program for the limited purpose of determining whether or not the participant is ~~duly enrolled in the licensed methadone or LAAM program~~ *using such medications under the direction of a licensed health care practitioner* and is in compliance with ~~deferred entry~~ *the pretrial diversion* or preguilty plea program rules.

(b) If the conditions specified in ~~paragraphs (1) and (2) of~~ subdivision (a) are met, ~~participation in a methadone or LAAM treatment program~~ *using medications to treat substance use disorders* shall not be the sole reason for exclusion from a ~~deferred entry pretrial diversion~~ or preguilty plea program. A ~~methadone or LAAM patient who~~ *patient who uses medications to treat substance use disorders and* participates in a preguilty *plea* or ~~deferred entry pretrial diversion~~ program shall comply with all court program rules.

(c) A person who is participating in a ~~deferred entry of judgment~~ *pretrial diversion* program or preguilty plea program pursuant to this chapter who ~~participates in a licensed methadone or LAAM program~~ *uses medications to treat substance use disorders* shall present to the court a declaration from ~~the director of the methadone or LAAM program, or the director's~~ *their health care practitioner, or their health care practitioner's* authorized representative, that the person is currently ~~enrolled and in good standing in the program~~ *under their care*.

(d) Urinalysis results that only establish that a person described in this section has ingested ~~or taken the methadone administered or prescribed by a licensed methadone or LAAM program~~ *medication duly prescribed to that person by his or her physician or psychiatrist, or medications used to treat substance use disorders*, shall not be considered a violation of the terms of the ~~deferred entry of judgment~~ *pretrial diversion* or preguilty plea program under this chapter.

(e) Except as provided in subdivisions (a) to (d), inclusive, this section shall not be interpreted to amend any provisions governing ~~deferred entry and~~ diversion programs.



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Bill Analysis

Bill Number	AB 1352	Version	Amended 5/19/15
Author	Eggman	Sponsor	Author
Subject	Deferred Entry of Judgment: Withdrawal of Plea	Status	Senate Appropriations Committee

Adopted Position:

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead
1 st House				2 nd House								

Red: Current/completed status *Gray: Not applicable*

Existing Law

1. Provides that a defendant may qualify for Deferred Entry of Judgment (DEJ) of specified non-violent drug possession offenses if the following apply to the defendant:
 - a) The defendant has no prior conviction for any offense involving controlled substances;
 - b) The offense charged did not involve a crime of violent or threatened violence;
 - c) There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the specified deferrable drug offenses;
 - d) The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed;
 - e) The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense;
 - f) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense. (Pen. Code § 1000, subd. (a).)



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2. States that a prosecutor has a duty to determine whether a defendant is eligible for DEJ. The prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the hearing for DEJ at the arraignment. (Pen. Code § 1000, subd. (b).)
3. Requires that all DEJ referrals for DEJ shall be made only to programs that have been certified by the county drug program administrator, or to programs that provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that program meets the criteria specified. (Pen. Code § 1000, subd. (c).)
4. Provides that the court shall hold a hearing and, after consideration of any information relevant to its decision, shall determine if the defendant consents to further proceedings and if the defendant should be granted DEJ. If the court does not find that the defendant would be benefit by deferred entry of judgment, or if the defendant does not consent to participate, the proceedings shall continue as in any other case. Deferred entry of judgment shall be granted for no less than 18 months, but no longer than three years. Progress reports shall be filed by the probation department as directed by the court. (Pen. Code § 1000.2.)
5. Requires, if the defendant has performed satisfactorily in the DEJ program, the criminal charge or charges shall be dismissed. If the defendant does not perform satisfactorily, the court shall find the defendant guilty pursuant to his or her plea, enter judgment and set a sentencing hearing. (Pen. Code § 1000.3.)
6. States that upon successful completion of DEJ, the arrest that led to the defendant's plea shall be deemed to have never occurred. The defendant may state that he or she was not arrested or granted deferred entry of judgment for the offense, except as specified for employment as a peace officer. A record pertaining to an arrest resulting in successful completion of a DEJ program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate. (Pen. Code § 1000.4, subd. (a).)
7. Authorizes counties to establish and conduct a preguilty plea drug court program wherein criminal proceedings are suspended without a plea of guilty for designated defendants. The presiding judge, the district attorney and the public defender must agree to establish a preguilty plea diversion program. If the defendant is not performing satisfactorily in the program, the court may reinstate criminal proceedings. If the defendant has performed satisfactorily during the



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period of the preguilty plea program, at the end of that period, the criminal charge or charges shall be dismissed. (Pen. Code § 1000.5.)

8. Provides that where a defendant has fulfilled the terms of probation, or been discharged from probation, the defendant shall, if he or she is not then serving a sentence for any offense, on probation for any offense, or charged with any offense, be granted the following relief: The court shall dismiss the conviction or allow the defendant to withdraw his or her guilty plea. The court shall then dismiss the accusations against the defendant. Where the person has successfully completed probation, but he or she did not fulfill all terms of probation throughout the probationary term, the court may grant the relief in the interests of justice. (Pen. Code § 1203.4, subd. (a).)
9. Provides that a person who was convicted of a felony and served a felony jail sentence pursuant to Penal Code Section 1170, subdivision (h), may apply for dismissal of his her conviction or withdrawal of his or her plea in the underlying case, in the discretion of the court and in the interests of justice. (Pen. Code § 1203.41.)
10. Provides that the court may only dismiss the conviction of person who served a felony jail sentence after the lapse of one year following the petitioner's completion of the sentence, provided that the petitioner is not under post-release community supervision pursuant to realignment or is not serving a sentence for, on probation for, or charged with the commission of any offense. (Pen. Code § 1203.41.)
11. Specifies that a non-citizen may be deported if he or she has been convicted of a violation of any law or regulation of a state, the United States, or a foreign country relating to a controlled substance, as defined, other than a single offense involving possession for one's own use of 30 grams or less of marijuana. (8 U.S.C.S. § 1227, subd. (a)(2)(B)(i).)
12. Provides that a defendant's plea of guilty is valid only where it is knowingly and voluntary made. In order that a defendant's plea be knowing, the defendant must understand and explicitly waive his or her constitutional rights to a jury trial, confront witnesses and the 5th Amendment privilege against self-incrimination. The defendant may withdraw a plea that was not knowingly and voluntarily made. (*Boykin v. Alabama* (1969) 395 U.S. 238; *In re Tahl* (1969) 1 Cal.3rd 122, 130.)
13. Provides that in accepting a plea of guilty or no-contest, the court must advise the defendant that if he or she is not a citizen, the plea may result in adverse immigration consequences. (Pen. Cod § 1016.5) Section 1016.5 does not refer to



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programs or statutes under which a defendant’s arrest or conviction would be dismissed.

- 14. Provides that in order to provide effective assistance of counsel under the 6th Amendment, an attorney for a criminal defendant must advise a defendant of the consequences of a plea of guilty or no contest. Specifically, failure to advise a defendant of the possible adverse immigration consequences of a plea constitutes ineffective assistance of counsel that may be prejudicial. Prejudice in this context essentially means that in the absence of the incorrect advice, the defendant would not have entered the plea. (*Padilla v. Kentucky* (2010) 130 S.Ct.1473

This Bill

- 1. Provides that in any case in which a defendant was granted deferred entry of judgment (DEJ), on or after January 1, 1997, after pleading guilty or nolo contendere to the charged offense, the defendant shall be permitted by the court to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty if the defendant attests to and both of the following:
 - a) The charges were dismissed after the defendant performed satisfactorily during the DEJ period; and,
 - b) The plea may result in the denial or loss to the defendant of any employment, benefit, license, or certificate, including, but not limited to, causing a noncitizen defendant to potentially be found inadmissible, deportable, or subject to any other kind of adverse immigration consequence.
- 2. Directs the Judicial Council to develop a form for use by persons seeking the relief authorized by this bill to attest to the information required for such relief.
- 3. Requires a defendant seeking relief under this bill to submit documentation, as specified, of dismissal of charges pursuant to successful completion of DEJ, in addition to attesting to information required for relief.
- 4. Requires the court to dismiss the complaint or information against the defendant if the defendant shows that he or she performed satisfactorily under DEJ and that the plea underlying DEJ may result in a denial of employment benefit, license or certificate, or have adverse immigration consequences.



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5. States the following legislative findings and declarations:

- a) The statement in Penal Code Section 1000.4, that "successful completion of a DEJ program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate" constitutes misinformation about the actual consequences of the plea underlying DEJ.
- b) Specifically, in the case of some defendants, including all noncitizen defendants, the disposition of the case may cause adverse consequences, including adverse immigration consequences.
- c) Because of this misinformation and the potential harm of the plea, the defendant's prior plea is invalid.

Background/Purpose

The purpose of this bill is to allow any person who has successfully completed a deferred entry of judgment (DEJ) treatment program to obtain dismissal of the plea upon which DEJ was granted, on the basis that the guilty or no-contest plea underlying DEJ may result in a denial of employment benefit, license or certificate, or have adverse immigration consequences, in conflict with the statement in the governing statute that the plea shall not result in "denial of any employment, benefit, license, or certificate."

According to the author, "AB 1352 provides a minor expungement procedure to prevent the needless disruption of thousands of California families. The expungement proposed by this bill does not retroactively change the effect of the person's DEJ disposition under California law. Instead, it will eliminate the disposition as a conviction for federal immigration purposes. It also will make right the injustice inadvertently committed against the immigrant defendants who relied upon PC [Section] 1000.4 in deciding to enter a guilty plea. This bill will prevent terrible harm to California families and immigrant communities. The last several years have seen mass deportations from the U.S. Of deportations based on criminal conviction, the largest number has been for minor, non-trafficking drug offenses. This especially affects California, the nation's most immigrant-rich state, where one out of two children lives in a household headed by at least one foreign born person (and the great majority of the children are U.S. citizens). Deportation of a parent devastates a family emotionally and economically and can drain state resources as U.S. citizen children go into foster care, homes go into foreclosure, and remaining citizen family seek public benefits."



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Related Legislation

Current Legislation:

AB 1351 (Eggman) would change the existing drug DEJ program to a pretrial drug diversion program. AB 1351 will be heard by this Committee today.

Prior Legislation:

SB 1369 (Kopp), Chapter 1132, Statutes of 1996, changed the diversion program for drug offenders to a deferred entry of judgment program. Increased the time allowed before a case can be dismissed from a period of no less than six months to two years, to a period of no less than 18 months to 3 years.

Fiscal Impact:

Unknown at this time. This bill is keyed non-fiscal by the Legislative Counsel.

Support and Opposition

Arguments in Support:

The American Civil Liberties Union of California, the co-sponsor of this bill argues in support "AB 1352 will allow persons who have successfully completed deferred entry of judgment for minor drug offenses to expunge the guilty plea from their record. AB 1352 will eliminate the harsh and unintended federal consequences that flow from minor drug offenses, including deportation. This bill will keep California families together, support the law's rehabilitation goals, and promote equal justice.

Current California law provides for deferred entry of judgment (DEJ) for minor drug offenses. Under the program, a defendant is required to plead guilty, waive his or her right to a speedy trial, and complete a drug treatment program. If the defendant successfully completes the program, the charges against the defendant are dismissed. Participants are told that once the charges are dismissed, there will be no conviction for any purpose, the arrest will be deemed never to have occurred, and they will not be denied any legal benefit based on the disposition.

Unfortunately, the dismissal of the charges following completion of deferred entry of judgment does not, in fact, protect defendants from certain federal consequences. This is because the guilty plea remains on their record and counts as a "conviction" for certain purposes under federal law. Even for U.S. citizens, these guilty pleas can carry long-term negative consequences, including loss of federal housing and educational benefits. For noncitizens, the consequences can be immediate and devastating, including deportation, mandatory detention, and permanent separation from families.

This is particularly devastating to families in California, which is the most immigrant-rich state in America. One out of every four persons living in the state is foreign-born. Half of



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California’s children live in households headed by at least one foreign-born parent – and the majority of these children are U.S. citizens. It is estimated that 50,000 parents of California U.S. citizen children were deported in a little over two years, leaving many children parentless. Deportation due to minor drug offenses destroys California families.”

Support:

- American Civil Liberties Union of California (Co-Sponsor)
- Coalition for Humane Immigrant Rights of Los Angeles (Co-Sponsor)
- Mexican American Legal Defense and Education Fund (MALDEF) (Co-Sponsor)
- National Council of La Raza (Co-Sponsor)
- African Advocacy Network
- Asian Americans Advancing Justice – Asian Law Caucus
- Asian Americans Advancing Justice – L.A.
- Asian Law Alliance
- California Attorneys for Criminal Justice
- California Immigrant Policy Center
- California Partnership
- California Public Defenders Association
- California Rural Legal Assistance Foundation
- Californians for Safety and Justice
- Californians United for a Responsible Budget
- Central American Resource Center – Los Angeles
- Chinese for Affirmative Action
- Community United Against Violence
- Congregations Building Community
- Del Sol Group
- Dolores Street Community Services
- Faith in Action Kern County
- Friends Committee on Legislation of California
- Harvey Milk LGBT Democratic Club
- Human Rights Watch
- Immigration Action Group
- Institute for Justice
- Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- Legal Services for Prisoners with Children
- Los Angeles Regional Reentry Partnership
- Justice Not Jails
- MAAC
- Mujeres Unidas y Activas
- National Association of Social Workers – California Chapter
- National Day Laborer Organizing Network



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National Immigration Law Center
Pangea Legal Services
PICO California
Placer People of Faith
Presente.org
Progressive Christians Uniting
Red Mexicana de Lideres y Organizaciones Migrantes
Santa Clara County Public Defender's Office
Silicon Valley De-Bug
Solutions for Immigrants William C. Velasquez Institute
Vital Immigrant Defense Advocacy and Services (VIDAS)
One private individual

Arguments in Opposition:

The California District Attorneys Association argues in opposition:

“We must object, on principle, to the idea of allowing people to withdraw pleas (some dating back nearly 20 years) that were obtained lawfully as a condition of their participation in a deferred entry of judgment program. California law, and the Sixth Amendment of the Constitution, provides many safeguards to ensure that defendants are made aware of the potential consequences before entering a guilty plea.

Beyond the constitutional right to effective defense counsel, who has an obligation to ensure that a defendant understands the terms and ramifications of a plea, Penal Code 1016.5 already requires the court to administer an advisement to the defendant about potential adverse immigration consequences prior to accepting a guilty plea.

Allowing defendants to petition the court for this form of relief, simply because those consequences ultimately occurred, would create tremendous workload issues within the criminal justice system in terms of calendaring and preparing for hearings. By making this remedy available to anyone who was granted deferred entry of judgment since 1997, tens of thousands of individuals will be eligible for a determination on whether they may withdraw their pleas – many of whom have suffered no adverse consequences at all.

For those whose pleas may trigger some immigration action, certainly any adverse consequences – immigration, employment, or otherwise – would have already been suffered in the intervening 18 years. Conversely, if those adverse consequences have not yet occurred, perhaps the problem that AB 1352 seeks to address is not as prevalent as initially thought.”



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Opposition:

California District Attorneys Association

California State Board of Pharmacy

California State Sheriffs 'Association

Comments

None.

Action Required

Staff recommend an Oppose position at this time.

Physical Therapy Board of California

AB 1352 – Deferred Entry of Judgment: Withdrawal of Plea

Author: Eggman

TODAY'S LAW AS AMENDED^{1, 2}

SECTION 1.

Section 1203.43 is added to the Penal Code, to read:

1203.43.

(a) (1) The Legislature finds and declares that the statement in Section 1000.4, that “successful completion of a deferred entry of judgment program shall not, without the defendant’s consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate” constitutes misinformation about the actual consequences of making a plea in the case of some defendants, including all noncitizen defendants, because the disposition of the case may cause adverse consequences, including adverse immigration consequences.

(2) Accordingly, the Legislature finds and declares that based on this misinformation and the potential harm, the defendant’s prior plea is invalid.

(b) In any case in which a defendant was granted deferred entry of judgment on or after January 1, 1997, after pleading guilty or nolo contendere to the charged offense, the defendant shall be permitted by the court to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty, and thereafter the court shall dismiss the complaint or information against the defendant, if the defendant attests to both of the following:

(1) The charges were dismissed after the defendant performed satisfactorily during the deferred entry of judgment period.

(2) The plea of guilty or nolo contendere may result in the denial or loss to the defendant of any employment, benefit, license, or certificate, including, but not limited to, causing a noncitizen defendant to potentially be found inadmissible, deportable, or subject to any other kind of adverse immigration consequence.

(c) The Judicial Council shall, by June 1, 2016, develop a form that allows a defendant to attest to the information described in paragraphs (1) and (2) of subdivision (b).

¹ The text in this document shows how existing law will change January 1, 2016

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

(d) The defendant shall submit documentation of the dismissal of charges or satisfactory participation in, or completion of, diversion programming. The completion, signing, and submission by the defendant of the form described in subdivision (c) with the documentation specified in this subdivision shall be presumed to satisfy the requirements for withdrawal of the plea and dismissal of the complaint or information against the defendant.

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
AB 12 (Amended 4/22/15)	Cooley	State Government: Administrative Regulations Review This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations as provided, and report to the Legislature and Governor, as specified.	Watch	Senate Appropriations Committee
AB 19 (Amended 5/6/15)	Chang	Governor's Office of Business and Economic Development: Small Business: Regulations Would require the Governor's Office of Business and Economic Development, in consultation with the Office of Small Business Advocate, to establish a process for the ongoing review of existing regulations. The bill would require the review to be primarily focused on regulations affecting small businesses adopted prior to January 1, 2016, to determine whether the regulations could be less administratively burdensome or costly to affected sectors.	Watch	Assembly Appropriations Committee
AB 161 (Amended 3/17/15)	Chau	Athletic Trainers 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	Watch	Senate- Inactive 6/22/15 Ordered to inactive file at the request of Senator Hernandez

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
AB 161 (Amended 3/17/15)	Chau	Athletic Trainers- continued specified, or completed eligibility requirements for certification by the Board of Certification, Inc., prior to January 1, 2004. This bill contains other related provisions.	Watch	Senate- Inactive 6/22/15 Ordered to inactive file at the request of Senator Hernandez
SB 52 (Introduced 12/19/14)	Walters	Regulatory Boards: Healing Arts Current law creates various regulatory boards within the DCA. Current law authorizes health-related boards to adopt regulations requiring a licensee to display his or her license or registration in the locality in which they are treating patients and to make specified disclosures to patients. This bill would make technical changes to that provision.	Watch	1/15/15 Senate Rules Committee 5/15/15 Failed deadline pursuant to Rule 61(a)(3). 5/15/15 Senate -2 Year
AB 333 (Amended 6/24/15)	Melendez	Healing Arts: Continuing Education This bill would allow specified healing arts licensees to apply one unit, as defined, of continuing education credit, once per renewal cycle, towards any required continuing education units for attending certain courses that result in the licensee becoming a certified instructor of cardiovascular resuscitation (CPR) or the proper use of an automated external defibrillator (AED), and would allow specified healing arts licensees to apply up to 2 units of continuing education credit, once per renewal cycle, towards any required continuing education units for conducting CPR or AED training sessions for employees of school districts and community college districts in the state.	Watch	Senate- Ordered to Third Reading

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
AB 611 (Amended 4/15/15)	Dahle	<p>Controlled Substances: Prescriptions: Reporting</p> <p>Current law requires the Department of Justice (DOJ), upon approval of an application, to provide the approved health care practitioner or pharmacist the history of controlled substances dispensed to an individual under their care. This bill would also authorize an individual designated to investigate a holder of a professional license to apply to DOJ to obtain approval to access information contained in the Controlled Substance Utilization Review (CURES) Prescription Drug Monitoring Program (PDMP) regarding the controlled substance history of an applicant or a licensee for the purpose of investigating the alleged substance abuse of a licensee.</p>	Watch	<p>4/16/15 Assembly Business and Professions Committee</p> <p>5/1/15 Failed deadline pursuant to Rule 61(a)(2).</p> <p>5/1/15 Assembly-2 Year</p>
AB 750 (Amended 4/16/15)	Low	<p>Business and Professions: Retired Category: Licenses</p> <p>Would authorize any of the boards, bureaus, commissions, or programs within the DCA to establish by regulations a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession.</p>	Watch	<p>5/28/15 Assembly Appropriations</p> <p>5/29/15 Failed deadline pursuant to Rule 61(a)(5).</p> <p>5/29/15 Assembly-2 Year</p>

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
<p>AB 1060 (Amended 7/16/15)</p>	<p>Bonilla</p>	<p>Governor's Office of Business and Economic Development: Small Business: Regulations Would create the Cancer Clinical Trials Foundation in the Health and Human Services Agency to be governed by a board of trustees. Members of the board would be appointed as specified. The bill would also create the Cancer Clinical Trials Fund, and would continuously appropriate this fund to the board, thereby making an appropriation. The bill would authorize the board to solicit and receive money, as specified.</p>	<p>Watch</p>	<p>Senate Appropriations Committee</p>
<p>SB 800 (Amended 7/16/15)</p>	<p>Committee on Business, Professions and Economic Development</p>	<p>Healing Arts This bill amends Business and Professions Code (BPC) § 2650 to eliminate the 18 week clinical experience requirement for physical therapist assistants programs. Previously, SB 198 (Lieu, 2013) amended BPC § 2650 to include both physical therapist (PT) and physical therapist assistant (PTA) education 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 18 weeks of full-time clinical experience; PTA education programs may not include 18 weeks of full-time clinical experience.</p>	<p>No Position</p>	<p>Senate Appropriations Committee</p>

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
AB 507 (Amended 7/9/15)	Olsen	Department of Consumer Affairs: BreEZe System: Annual Report Would, on or before March 1, 2016, or thereafter when available, require the Department of Consumer Affairs to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the department's plans for implementing the BreEZe system at specified regulatory entities included in the department's 3 rd phase of the BreEZe implementation project, when available, including, but not limited to, a timeline for implementation.	No Position	Senate Business, Professions and Economic Development Committee
AB 351 (Introduced 2/17/15)	Jones-Sawyer	Public Contracts: Small Business Participation Would require all state agencies to establish and achieve an annual goal of 25% small business participation in state procurements and contracts, and to report to the Director, statistics regarding small business participation. Any agency not meeting this goal would be required to submit a corrective action plan to the Department of General Services within 45 days of the end of each fiscal year.	No Position	1/15/15 Senate Rules Committee 5/29/15 Failed deadline pursuant to Rule 61(a)(5). 5/29/15 Assembly-2 Year
AB 410 (Amended 4/27/15)	Obernolte	Reports Submitted to Legislative Committees Would require a state agency to post on its Internet Website any report it is required by law to submit to a committee of the Legislature. This bill would specify that a "report" includes a study, audit, or a budget change proposal that has been approved by the Department of Finance and submitted to the Joint Legislative Budget Committee, the Assembly Committee on Budget, or the Senate Committee on Budget and Fiscal Review	No Position	Senate- Ordered to Third Reading



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



Briefing Paper

Date: July 27, 2015
Prepared for: PTBC Members
Prepared by: Brooke Arneson
Subject: Rulemaking Report

Purpose:

To update the Board on current and proposed rulemaking.

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:

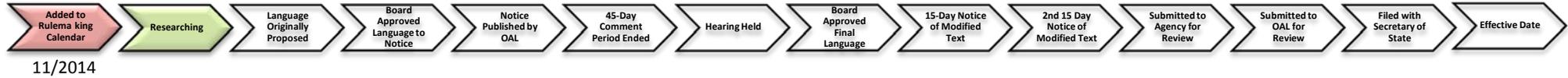
http://www.oal.ca.gov/Notice_Register.htm

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.

Action Requested:

No action is needed. This rulemaking report is for informational purposes only.

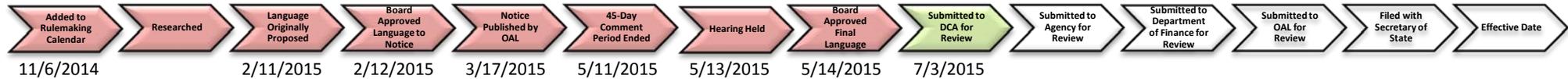
License Renewal Exemptions: Retired Status



OAL No.:

Notes:

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



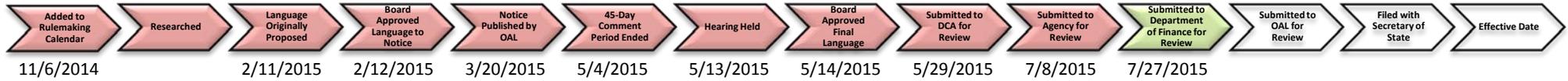
OAL No.: Notice File No. Z-2015-0317-07

Notes: Business and Profession Code (BPC) § 2653 was amended by Chapter 338, Statutes of 2013 (SB 198, Lieu), 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. Currently the passing score on the TOEFL is being reported by each credential evaluation service when an applicant’s education is evaluated. This regulation will provide for specific exemptions to the TOEFL requirement and set a Board established passing score. The regulatory package is currently at the Department of Consumer Affairs for review.

Green: Current Status Red: Completed Grey: Not Applicable

2015

Fee Increase



OAL No.: Notice File No. Z-2015-0310-07

Notes: Business and Profession Code (BPC) § 2688 authorizes the Board to increase its fees to a statutory maximum through regulation. This regulation will provide for an increase in application, initial license and biennial renewal fees. The proposed increase in fees will enable the Board to effectively sustain operations necessary for protecting consumers through its licensing and enforcement functions and avoid insolvency in fiscal year 2017/18. The regulatory package is currently at the Department of Finance for expedited review.

Green: Current Status Red: Completed Grey: Not Applicable

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 st – November 30 th	January 1 st
December 1 st – February 29 th	April 1 st
March 1 st – May 31 st	July 1 st
June 1 st – August 31 st	October 1st



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Issue Paper

Date: August 6, 2015

Prepared for: PTBC Members

Prepared by: Rebecca Marco & Brooke Arneson

Subject: Title 1, California Code of Regulations
§ 100. Publication of "Changes without Regulatory Effect"

Purpose: To advise the Board of filing with the Office of Administrative Law proposed amendments without regulatory effect to Division 13.2 of the California Code of Regulations [Physical Therapy Board of California]

Attachments: 1. Justification for the Changes without Regulatory Effect
2. Final Language

Background: Title 1, Section 100 of the California Code of Regulations authorizes agencies to add, revise or delete text published in the California Code of Regulations without complying with the rulemaking procedure specified in Article 5 of the Administrative Procedure Act (APA), if the change does not materially alter a requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision. Changes without regulatory effect include, but are not limited to:

- (1) Renumbering, reordering, or relocating a regulatory provision;
- (2) Deleting a regulatory provision for which all statutory or constitutional authority has been repealed;
- (3) Deleting a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction, a United States District Court located in the State of California, the United States Court of Appeals for the Ninth Circuit or the United States Supreme Court; however, the Office of Administrative Law (OAL) shall not approve any proposed change without regulatory effect if the change is based on a superior court decision which invalidated the regulatory provision solely on the grounds that the underlying statute was unconstitutional;
- (4) Revising structure, syntax, cross-reference, grammar, or punctuation;
- (5) Changing an "authority" or "reference" citation for a regulation; and,
- (6) Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:
 - (A) The regulatory provision is inconsistent with and superseded by the changed statute, and
 - (B) The adopting agency has no discretion to adopt a change which differs in substance from the one chosen.

Agenda Item # 10(B)

Background (cont.)

To submit a change without regulatory effect to OAL, the Board submits 1) a written statement explaining why the change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision; and, 2) final language.

Within 30 days of receipt, OAL determines whether a change submitted is a change without regulatory effect and sends written notification of its determination to the agency. If OAL determines the submitted change is without regulatory effect, OAL files it with the Secretary of State to have it published in the California Code of Regulations.

Analysis:

The passage of SB 198 assisted in justifying a limited term position to complete a thorough review of the Board's regulations and amend regulations necessitated by new statutes. Now that the urgency of the fee and English Proficiency regulations have subsided, the review of all regulations have begun. The first step was to identify those amendments to regulations which were without regulatory effect, such as changing the Board's address; various grammatical and typographical corrections; and, those affected by the restructure of the Physical Therapy Practice Act as a result of Chapter 338, Statutes of 2013 (SB 198, Lieu).

Action Requested:

None. This Briefing Paper is for informational purposes only.



JUSTIFICATION FOR THE CHANGES WITHOUT REGULATORY EFFECT

In accordance with Title 1, Section 100 of the California Code of Regulations (“CCR”), the amendments submitted by the Physical Therapy Board of California (Board) with this package do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any provision for the reasons explained below.

- The Board Office relocated in 2008.
- Chapter 338, Statutes of 2013 (SB 198, Lieu) restructured and amended the Physical Therapy Practice Act by either adding, deleting or moving various Business and Professions Code sections necessitating amendments to many of the regulations, either in text or in the Authority and Reference section, specifically the Reference section.
- Various grammatical or typographical corrections

More specifically, the explanation for the proposed changes are as follows:

1398.1 – The Board Office relocated to 2005 Evergreen Street in 2008.

1398.3 – The term “approval” is an archaic term in reference to the physical therapist assistant and is in conflict with BPC 2601 which defines the physical therapist assistant as “licensed.”

1398.11 and 1398.13 – Deletes reference to “an intern” pursuant to the passage of SB 198, Chapter 338, Statutes of 2013.

1398.26.5 - Changed “licensure” to “license” to be consistent with 1399.10 and 1399.12 in reference to the physical therapist or physical therapist assistant license applicant and added a space between... “utilizing the”... Physical Therapist Clinical Performance... and “Instrument issued.”

1398.31 – Made a grammatical correction, hyphenating “post-secondary.”

1398.37 – Deletes reference to “an intern” and changes BPC 2650.1 to 2633.7 in the Authority and Reference section, pursuant to the passage of SB 198, Chapter 338, Statutes of 2013. Also made a grammatical correction, hyphenating “on-site.”

1398.44 – Delete (1) in subsection (e), since there is no (e)(2). Therefore, there should be only one sentence in subsection (e), as follows: (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.

1398.47 - Subsection (a)(3) stricken since it's became inoperative on July 1, 2001

1398.52 – Changed BPC 2655.75 to 2650.1 both in the text and in the Authority and Reference section due to a change resulting from the passage of SB 198, Chapter 338, Statutes of 2013. Also, made a grammatical correction, hyphenating “on-site.”

1399 – Changed BPC 2630 to 2622 in the Authority and Reference section pursuant to passage of SB 198, Chapter 338, Statutes of 2013

1399.12 – Changed 2655.91 to 2622 in the Authority and Reference section pursuant to passage of SB 198 Chapter 338, Statutes of 2013.

1399.15 and 1399.16 were placed in Article 7 in error. Both should reside within Article 8.

Article 8 - “Amend for clarity, the title of Article 8 of Division 13.2 of Title 16 of the California Code of Regulations, as follows: “Enforcement Actions, Discipline and Reinstatement of License””

1399.24 – Add BPC 2660.4 to the Authority and Reference section pursuant passage of SB 198, Chapter 338, Statutes of 2013

1399.94(a)(1) – Hyphenated “self-study” and capitalized “C” in “Continuing; and in (a)(2) capitalized “C” in “College,” for consistency

PHYSICAL THERAPY BOARD OF CALIFORNIA

Pursuant to section 100 of the California Code of Regulations, the Physical Therapy Board of California proposes to amend sections 1398.1, 1398.3, 1398.11, 1398.13, 1398.26.5, 1398.31, 1398.37, 1398.44, 1398.47, 1398.52, 1399, 1399.12, 1399.15, 1399.16, 1399.24 and 1399.94 of Division 13.2, Title 16 of the California Code of Regulations, to read as follows:

§ 1398.1. Location of Office.

The principal office of the Physical Therapy Board of California is located at ~~4418 Howe Avenue, Suite 16~~ 2005 Evergreen Street, Sacramento, California ~~95825-3204~~ 95815.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2602, Business and Professions Code.

§ 1398.3. Definitions.

Unless the context otherwise requires, for the purpose of the regulations contained in this chapter,

- (a) "Board" means the Physical Therapy Board of California;
- (b) "Code" means the Business and Professions Code;
- (c) "The Physical Therapy Practice Act" consists of Chapter 5.7, of Division 2, of the Business and Professions Code.
- (d) "License" as used in these regulations includes a license, ~~or approval~~ issued by the Board.

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

§ 1398.11. Physical Therapy Aide, Applicant, and Student ~~and Intern~~ Identification.

Pursuant to Section 680 of the code, each supervising licensed physical therapist shall require all physical therapy aides, applicants, and students ~~and interns~~ performing patient related tasks under his or her supervision to display while working his or her name and working title on a name tag in at least 18-point type.

Note: Authority cited: Sections 680 and 2615, Business and Professions Code. Reference: Section 680, Business and Professions Code.

§ 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

Agenda Item # 10(B) – Final Language

(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.

§ 1398.26.5. Clinical Service Requirements for Foreign Educated Applicants.

(a) The period of clinical service required by Section 2653 of the Code shall be certified by at least one supervising physical therapist (the supervising physical therapist is the Center Coordinator of Clinical Education and/or the Clinical Instructor) licensed by the board, or by a physical therapy licensing authority in another jurisdiction which is accepted by the board.

(b) For the purposes of this regulation, supervision means the supervising physical therapist must be onsite in the same facility and available to the physical therapist ~~licensure~~ license applicant to provide assistance with any patient care.

(c) Effective January 1, 2008, the center coordinator of clinical education (CCCE) must be an American Physical Therapy Association (APTA) certified clinical instructor. Effective January 1, 2010, all clinical instructors must be APTA certified.

(d) The certification shall be submitted in a report to the board and shall document the supervising physical therapist's determination that the physical therapist ~~licensure~~ license applicant possesses the skills necessary to perform any physical therapy evaluation or any physical therapy procedure of patient care within the California healthcare system. The supervising physical therapist's evaluation of the physical therapist ~~licensure~~ license applicant shall be prepared utilizing **the Physical Therapist Clinical Performance Instrument issued** by the American Physical Therapy Association in December of 1997. The certification shall include two evaluations of the physical therapist ~~licensure~~ license applicant's skills. One evaluation shall determine the skill level mid-way through the period of clinical service and the other evaluation shall determine the skill level at the end of the clinical service. Both evaluations shall be reported at the end of the period of clinical service.

(e) Three (3) months of the required nine (9) months of clinical service shall be waived by the board if the physical therapist ~~licensure~~ license applicant successfully completes a course in Law and Professional Ethics as offered by a post-secondary educational institution or by successfully completing four (4) continuing education units in Ethics offered by a continuing education provider recognized by a California healthcare board.

(f) One (1) month of clinical service shall be waived for each month of licensed clinical practice in another state up to the required total of nine (9) months.

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

§ 1398.31. Criteria for Approval of Physical Therapy Schools.

(a) Physical therapy educational programs shall be established in post-secondary educational institutions accredited by a national association or agency recognized by the Council on Post-Secondary Accreditation and/or the U.S. Department of Education.

(b) The physical therapy educational program shall be accredited by the agency or organization recognized by the Council on Post-Secondary Accreditation or the U.S. Department of Education.

(c) Teaching programs of not less than 1400 hours duration also may be established in hospitals for students whose preliminary education meets the requirements of Section 2650 of the code, providing the physical therapy education program is accredited as set forth in subsection (b).

(d) Nothing in this section shall be construed to prevent the board from approving a school or training program which is not approved or from not approving a school or training program which is approved by one of the above-mentioned entities.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2635, 2650 and 2651, Business and Professions Code.

§ 1398.37. Identification and Supervision of Physical Therapist Students and Interns Defined.

(a) When rendering physical therapy services as part of academic training, a physical therapy student shall only be identified as a "physical therapist student." ~~A person who has completed the required academic coursework may be identified as a "physical therapist intern" when rendering physical therapy services.~~ When rendering physical therapy services, the required identification shall be clearly visible and include his or her name and working title in at least 18-point type.

(b) The "clinical instructor" or the "supervisor" shall be the physical therapist supervising the physical therapist student ~~or intern~~ while practicing physical therapy.

(c) The supervising physical therapist shall provide on-site supervision of the assigned patient care rendered by the physical therapist student ~~or intern~~.

(d) The physical therapist student ~~or intern~~ shall document each treatment in the patient record, along with his or her signature. The clinical instructor or supervising physical therapist shall countersign with his or her first initial and last name all entries in the patient's record on the same day as patient related tasks were provided by the physical therapist student ~~or intern~~.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections ~~2650.4~~ 2633.7 and 2650.2, Business and Professions Code.

§ 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.

§ 1398.47. Equivalent Training or Experience.

(a) Training and experience considered equivalent to that obtained in an approved physical therapist assistant school shall be acquired in one of the following ways:

(1) Military training, consisting of satisfactory completion of a basic hospital corps member course and of a formal physical therapist assistant course that includes a minimum of 550 hours of technical courses relating to physical therapy, and 350 hours of supervised clinical experience. In addition, the applicant shall complete the general education requirements described in subsection (c).

(2) A combination of training and 36 months of full-time work experience in physical therapy described in subsection (b). Training shall consist of satisfactory completion of

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30 semester units or 40 quarter units of instruction in a variety of the following technical areas: Human anatomy and physiology, including laboratory experience; kinesiology and topographical anatomy; first-aid; basic principles of electromagnetism, mechanics and thermodynamics, biomechanics, and massage; application of therapeutic exercise and modalities for the physically disabled; survey of pathophysiological conditions resulting from injury or disease; ethics; and laws relating to physical therapy. In addition, the applicant shall complete the general education requirements described in subsection (c). The applicant shall have obtained a grade of "c" or better in all technical coursework to be accepted for licensure as a physical therapist assistant. Eighteen (18) months of the work experience shall be in providing patient related tasks under the orders, direction and immediate supervision of a physical therapist in an acute care inpatient facility.

~~(3) Sixty (60) months of full-time work experience in physical therapy described in subsection (b). Thirty (30) months of the work experience shall be in providing patient related tasks under the orders, direction and immediate supervision of a physical therapist in an acute care inpatient facility. In addition, the applicant shall complete the general education requirements described in subsection (c). This paragraph (a)(3) shall become inoperative on July 1, 2001, and, as of July 1, 2001, is repealed.~~

(4) Successful completion of professional education described in section 2650 of the code.

(b) Work experience used to satisfy subsections (a)(2) and (a)(3) shall be obtained under the orders, direction and immediate supervision of (1) a physical therapist licensed by the board, (2) a physical therapist employed by the United States Government, or (3) an out-of-state licensed physical therapist who has qualifications equivalent to a physical therapist licensed by the board, and shall consist of assisting the supervising physical therapist in the treatment of patients of both sexes, varying ages and disabilities. Full-time work experience shall be credited on the basis of a compensated 40-hour work week, allowing for the usual and customary periods of absence. Work credit shall be given for part-time employment. The work experience shall have been obtained within ten years of the date the application for licensure is filed with the board, provided that, one-half of the experience has been obtained within five years of the application.

(c) General education requirements shall consist of satisfactory completion of 15 semester units or 20 quarter units, including at least one course in each of the following areas:

(1) Natural Sciences.

(2) Social or Behavioral Sciences.

(3) Humanities.

(4) English, Speech, or Mathematics.

(5) English Composition which meets the Associate or Baccalaureate degree requirement of the college at which the course is taken. The applicant shall have obtained a grade of "c" or better in English Composition to be accepted for licensure as a physical therapist assistant.

(d) Proof of completion of the general education courses in subsection (c) and of the technical courses in subsection (a)(2) shall be submitted on an official transcript. The courses may be taken at any post-secondary institution that is accredited by an agency

recognized by the Council for Higher Education Accreditation or the U.S. Department of Education. Credit will be given for academic units granted by the educational institution for equivalent experience or education as well as for the results of equivalency or proficiency examination.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.3 and 2655.11, Business and Professions Code.

§ 1398.52. Identification and Supervision of Physical Therapist Assistant Students and Interns Defined.

(a) A physical therapist assistant student is an unlicensed person rendering physical therapy services as part of academic training pursuant to section ~~2655.75~~ 2650.1 of the Code and shall only be identified as a “physical therapist assistant student.” ~~A person who has completed the required academic coursework may be identified as a “physical therapist assistant intern” when rendering physical therapy services.~~ When rendering physical therapy services, the required identification shall be clearly visible and include his or her name and working title in at least 18-point type.

(b) The physical therapist assistant student ~~or intern~~ shall be supervised by a physical therapist supervisor. A physical therapist assistant under the supervision of a physical therapist supervisor may perform as a clinical instructor of the physical therapist assistant student ~~or intern~~ when rendering physical therapy services.

(c) A physical therapist supervisor shall provide on-site supervision of the assigned patient care rendered by the physical therapist assistant student ~~or intern~~.

(d) The physical therapist assistant student ~~or intern~~ shall document each treatment in the patient record, along with his or her signature. The clinical instructor shall countersign with his or her first initial and last name in the patient's record on the same day as patient related tasks were provided by the physical therapist assistant student ~~or intern~~. The supervising physical therapist shall conduct a weekly case conference and document it in the patient record.

Note: Authority cited: Sections 2615, Business and Professions Code. Reference: Sections 2655.9 and ~~2655.75~~ 2650.1, Business and Professions Code.

§ 1399. Requirements for Use of Aides.

(a) A physical therapy aide is an unlicensed person who may be utilized by a physical therapist in his or her practice by performing non-patient related tasks, or by performing patient related tasks.

(b) Prior to the aide providing patient related care, a physical therapist shall evaluate and document, the aide's competency level for performing the patient related task that the aide will provide in that setting. The record of competencies shall be made available to the board or any physical therapist utilizing that aide upon request.

(c) As used in these regulations:

(1) A “patient related task” means a physical therapy service rendered directly to the patient by an aide, excluding non-patient related tasks as defined below.

(2) A “non-patient related task” means a task related to observation of the patient, transport of patients, physical support only during gait or transfer, housekeeping duties, clerical duties and similar functions.

(3) “Under the orders, direction and immediate supervision” means:

(A) Prior to the initiation of care, the physical therapist shall evaluate every patient prior to the performance of any patient related tasks by the aide.

(B) The physical therapist shall formulate and record in the patient's record a treatment program based upon the evaluation and any other information available to the physical therapist, and shall determine those patient related tasks which may be assigned to an aide.

(C) The physical therapist shall assign only those patient related tasks that can be safely and effectively performed by the aide. The physical therapist shall be responsible at all times for the conduct of the aide while the aide is performing "patient related tasks" and "non-patient related tasks" as defined in this section.

(D) The physical therapist shall provide continuous and immediate supervision of the aide. The physical therapist shall be in the same facility as the aide and in immediate proximity to the location where the aide is performing patient related tasks. The physical therapist shall be readily available at all times to provide immediate advice, instruction or intervention in the care of the patient. When patient related tasks are provided to a patient by an aide the physical therapist shall at some point during the treatment day provide direct service to the patient as treatment for the patient's condition or to further evaluate and monitor the patient's progress.

(E) The physical therapist shall perform periodic re-evaluation of the patient as necessary and make adjustments in the patient's treatment program. The re-evaluation shall be documented in the patient's record.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section ~~2630~~ 2622, Business and Professions Code.

§ 1399.12. Supervision of Physical Therapist Assistant License Applicants.

Pursuant to Section 2655.91 of the code, a physical therapist assistant license applicant whose application for license has been filed and reviewed by the board may assist in the provision of physical therapy services if he or she is under the direct and immediate supervision of a physical therapist licensed by the board. "Direct and immediate" means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the applicant and shall be in close proximity to the location where the applicant is assisting in the provision of physical therapy treatment. The physical therapist assistant license applicant shall document each treatment in the patient record, along with his or her signature. A supervising physical therapist shall countersign with his or her first initial and last name in the patient's record on the same day as patient related tasks were provided by the physical therapist assistant license applicant. A supervising physical therapist will conduct a weekly case conference and document it in the patient record.

A supervising physical therapist shall document receipt of the letter authorizing physical therapist assistant license applicant status and record the expiration date of such status in the employee record. A supervising physical therapist shall require the applicant to provide documentation of the license issued at the conclusion of the physical therapist assistant license applicant status. If the applicant fails to pass the licensing examination all privileges to work as a physical therapist assistant license applicant shall terminate.

Authorizing the physical therapist assistant license applicant to work after the conclusion of physical therapist assistant license applicant status constitutes unprofessional conduct.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2655.94 2622, Business and Professions Code.

Article 7. Practice by Applicants

~~§ 1399.15. Guidelines for Issuing Citations and Imposing Discipline.~~

~~(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the "Guidelines for Issuing Citations and Imposing Discipline", (Revised December 2013, 5th Edition; hereafter, "Guidelines") which are hereby incorporated by reference. Subject to paragraph (c), deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts warrant such a deviation - for example: The presence of mitigating or aggravating factors; the age of the case; evidentiary problems.~~

~~(b) Notwithstanding the Guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or been convicted of a sex offense, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license. As used in this section, the term "sex offense" shall mean any of the following:~~

~~(1) Any offense for which registration is required by Section 290 of the Penal Code or a finding that a person committed such an offense.~~

~~(2) Any offense defined in Section 261.5, 313.1, 647b, or 647 subdivisions (a) or (d) of the Penal Code or a finding that a person committed such an offense.~~

~~(3) Any attempt to commit any of the offenses specified in this section.~~

~~(4) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would be punishable as one or more of the offenses specified in this section.~~

~~(c) If the conduct found to be a violation involves drugs, alcohol, or both, and the individual is permitted to practice under conditions of probation, a clinical diagnostic evaluation shall be ordered as a condition of probation in every case, without deviation.~~

~~(1) Each of the "Conditions Applying the Uniform Standards," as set forth in the Guidelines, shall be included in any order subject to this subsection, but may be imposed contingent upon the outcome of the clinical diagnostic evaluation.~~

~~(2) The Substance Abuse Coordination Committee's "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" (Revised April 2011; hereafter, "Uniform Standards"), which are hereby incorporated by reference, shall be used in applying the probationary conditions imposed pursuant to this subsection.~~

~~(d) Nothing in this section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection.~~

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 315, 315.2, 315.4, 2660, 2660.1, 2661 and 2661.5, Business and Professions Code; and Section 11425.50(e), Government Code.

§ 1399.16. Issuance of Initial Probationary License.

(a) The authority to issue an initial probationary license is delegated to the executive officer of the Board. In the absence of the executive officer the authority is delegated to the board president or in his or her absence the vice president.

(b) When the executive officer finds that the issuance of an initial probationary license is necessary in accordance with section 2660.2 of the Act, the Board's Disciplinary Guidelines specified in section 1399.15 of these regulations shall serve as guidelines for the terms and conditions of an initial probationary license.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2607.5 and 2660.2, Business and Professions Code.

Title 16. Professional and Vocational Regulations
Division 13.2. Physical Therapy Board of California
Article 8. Enforcement Actions, Discipline and Reinstatement of License

§ 1399.15. Guidelines for Issuing Citations and Imposing Discipline.

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the "Guidelines for Issuing Citations and Imposing Discipline", (Revised December 2013, 5th Edition; hereafter, "Guidelines") which are hereby incorporated by reference. Subject to paragraph (c), deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts warrant such a deviation - for example: The presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) Notwithstanding the Guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or been convicted of a sex offense, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license. As used in this section, the term "sex offense" shall mean any of the following:

(1) Any offense for which registration is required by Section 290 of the Penal Code or a finding that a person committed such an offense.

(2) Any offense defined in Section 261.5, 313.1, 647b, or 647 subdivisions (a) or (d) of the Penal Code or a finding that a person committed such an offense.

(3) Any attempt to commit any of the offenses specified in this section.

(4) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would be punishable as one or more of the offenses specified in this section.

(c) If the conduct found to be a violation involves drugs, alcohol, or both, and the individual is permitted to practice under conditions of probation, a clinical diagnostic evaluation shall be ordered as a condition of probation in every case, without deviation.

(1) Each of the "Conditions Applying the Uniform Standards," as set forth in the Guidelines, shall be included in any order subject to this subsection, but may be imposed contingent upon the outcome of the clinical diagnostic evaluation.

(2) The Substance Abuse Coordination Committee's "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees" (Revised April 2011; hereafter, "Uniform Standards"), which are hereby incorporated by reference, shall be used in applying the probationary conditions imposed pursuant to this subsection.

(d) Nothing in this section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 315, 315.2, 315.4, 2660, 2660.1, 2661 and 2661.5, Business and Professions Code; and Section 11425.50(e), Government Code.

§ 1399.16. Issuance of Initial Probationary License.

(a) The authority to issue an initial probationary license is delegated to the executive officer of the Board. In the absence of the executive officer the authority is delegated to the board president or in his or her absence the vice-president.

(b) When the executive officer finds that the issuance of an initial probationary license is necessary in accordance with section 2660.2 of the Act, the Board's Disciplinary Guidelines specified in section 1399.15 of these regulations shall serve as guidelines for the terms and conditions of an initial probationary license.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2607.5 and 2660.2, Business and Professions Code.

§ 1399.24. Unprofessional Conduct.

In addition to the conduct described in Section 2660 of the Code, "unprofessional conduct" also includes but is not limited to the following:

(a) Including or permitting to be included any of the following provisions in an agreement to settle a civil dispute arising from the licensee's practice, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting, cooperating, or filing a complaint with the board.

(2) A provision that requires another party to the dispute to withdraw a complaint the party has filed with the board.

(3) A provision that prohibits a party from disclosing the nature of the settlement or the amount of the settlement or otherwise declares that the settlement is "confidential."

(b) Failure to provide to the board, as directed, lawfully requested certified copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the certified documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subdivision shall not apply to a licensee who does not have access to, and control over, medical records.

(c) Failure to cooperate and participate in any board investigation pending against the licensee. This subdivision shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

(d) Failure to report to the board within 30 days any of the following:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The arrest of the licensee.

(3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(5) Any report required to be made pursuant to Business and Professions Code section 802 regarding settlements, judgments, or arbitration awards.

(e) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2602, 2660, 2660.4 and 2660.2, Business and Professions Code.

§ 1399.94. Authorized Pathways for Obtaining Hours.

Continuing competency hours must be obtained through an authorized pathway, which may be either traditional or alternate.

(a) Traditional pathways are those offered by an approved provider. There is no limit to the number of hours which may be accumulated through traditional pathways. The traditional pathways are:

(1) continuing education courses, including home and self-study courses, approved through an agency recognized by the board under the provisions of regulation section 1399.95; and

(2) College coursework from an accredited institution.

(b) Alternate pathways are those offered by an entity other than an approved provider. Only those alternate pathways described in this section may be used to accumulate continuing competency hours. The number of alternate pathway hours that may be applied for a renewal cycle may not exceed any cap noted below. Hours may be granted only in accordance with the conversion formula for each alternate pathway noted below.

Alternate Pathways

Note: Authority cited: Sections 2615 and 2676, Business and Professions Code. Reference: Sections 2676 and 2684, Business and Professions Code.



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: July 27, 2015

Prepared for: PTBC Members

Prepared by: Carl Nelson

Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activity for FY 2014/15, 4th quarter (Apr-Jun).

Attachments: [Budget Expenditure Report \(A-1\)](#)
[Budget Expenditure Measures Report \(A-2\)](#)
[Budget Revenue Measures Report \(A-3\)](#)

Background:

The PTBC was authorized a budget allotment of \$4,175,590 for FY 2014/15. It should be noted, the PTBC received a one-time budget augmentation of \$150,000 to address the increasing expenditures for Attorney General cost. The PTBC projects to spend 98% of its budget allotment, with less than 2% reversion (year-end).

In addition, based on workload and revenue analysis conducted in FY 2013/14, the PTBC projected to collect \$3,318,150 in revenues in FY 2014/15. However, based on FY 2014/15 (FM12) revenues, the PTBC is projecting to collect 6% more than originally projected.

As illustrated, the budget activity is reported quarterly; PTBC FY 2014/15 reflects revenues and expenditures from July 1, 2014 through June 30, 2015; and, is compiled from the DCA, Calstars accounting reports. The Calstars FM13 is the end of year report, which was not available at the time this briefing paper was written. Therefore, the PTBC is reporting on data received from Calstars FM12 report. The PTBC staff will provide an updated report reflecting FM13 at the board meeting.

Analysis:

Based on expenditures and revenues in FY 2013/14 and FY 2014/15 (FM12), the PTBC is projecting expenditures to increase by 17% and revenues to increase by 2% from FY 2013/14.

Expenditures:

Personnel Services: The PTBC spent \$1,631,497 a 22% increase from FY 2013/14. Notably, the PTBC spent \$94,841 in temporary help, up slightly from FY 2013/14 in an effort to support the Application and Licensing Services workload.

Operating Expenses and Equipment: The PTBC spent \$2,448,198 or 98% of its budget allotment as of FM12, a 13% increase from FY 2013/14. The PTBC had over expenditures in minor equipment and enforcement-related cost. The PTBC had an over expenditure of \$6,631 in minor equipment, but expenditures were down from FY 2013/14 by 79%. In addition, the PTBC projects to over expend its already augmented Attorney General budget by \$41,476 and its Office of Administrative Hearings budget by \$49,798, a total over expenditure of \$97,176 in enforcement-related cost (year-end).

Revenues:

The PTBC collected \$3,516,652 in revenues (as of FM12) and \$3,449,835 in revenues in FY 2013/14. Based on this data, the PTBC projects a 2% increase in revenue collections from FY 2013/14. The revenue increases were within applications, license renewals and unscheduled reimbursements fees collected in FY2014/15.

Action Requested:

No action requested at this time.

**Physical Therapy Board of California
CY 2014/15 Budget Expenditure Report**

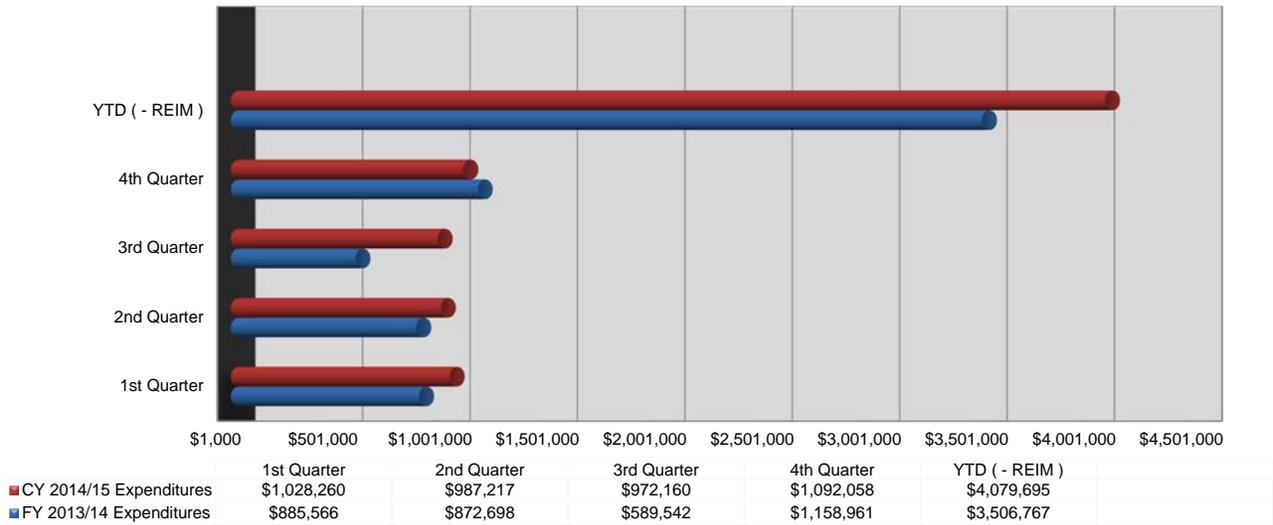
4th Quarter (4/1/15-6/30/15)

Budget Line-Items	FY 2013-14		CY 2014-15			
	Expended (As of 6/30/14)	Expenditures (Year-end)	Authorized Budget	Expended (As of 6/30/15)	% Budget	Balance
Personnel Services						
Personnel Services Totals	1,335,342	1,340,968	1,673,117	1,631,497	98%	41,620
Civil Services Permanent	715,306	715,736	1,001,222	878,039	88%	123,183
Statutory Exempt	77,266	77,266	79,344	82,484	104%	(3,140)
Temp help	73,306	76,914	0	94,841	-	(94,841)
Board Members	29,200	29,200	11,786	31,400	266%	(19,614)
Overtime	1,004	1,401	0	413	-	(413)
Staff Benefits	439,260	440,451	580,765	544,320	94%	36,445
*TOTAL PERS SVS	1,335,342	1,340,968	1,673,117	1,631,497	98%	41,620
Operating Expenses & Equipment						
General Services Totals	296,032	302,719	391,439	297,535	76%	93,904
Fingerprints	31,864	31,864	99,090	29,300	30%	69,790
General Expense	19,392	20,809	42,632	20,347	48%	22,285
Minor Equipment	46,956	47,110	3,300	9,931	301%	(6,631)
Major Equipment	5,579	5,579	6,000	0	0%	6,000
Printing	8,661	8,661	10,161	7,861	77%	2,300
Communications	10,068	10,918	12,418	9,902	80%	2,516
Postage	29,973	29,973	31,973	31,695	99%	278
Travel in State	13,843	18,324	18,324	15,449	84%	2,875
Training	988	988	2,577	430	17%	2,147
Facilities Operations	105,782	105,782	118,121	113,171	96%	4,950
C&P Services Interdepartmental	20	20	1,828	0	0%	1,828
C&P Services External	22,906	22,691	45,015	59,449	132%	(14,434)
Departmental Services Totals	609,099	604,002	784,303	777,063	99%	7,240
OIS Pro Rata	273,777	270,921	399,088	399,302	100%	(214)
Indirect Dist. Cost	138,334	137,509	188,066	188,201	100%	(135)
Interagency Services	0	0	2,136	0	0%	2,136
DOI Pro Rata	4,404	4,382	5,852	6,210	106%	(358)
Public Affairs Pro Rata	6,190	5,065	5,729	5,224	91%	505
CCED Pro Rata	5,306	5,000	6,229	6,191	99%	38
Consolidated Data Center	823	860	1,722	1,200	70%	522
Data Processing	6,240	6,240	5,930	1,184	20%	4,746
Central Admin Services Pro Rata	174,025	174,025	169,551	169,551	100%	0
Exams Totals	7,050	7,050	9,120	6,483	0%	2,637
Admin and C/P Services External	0	0	0	0	-	0
Exam Contracts	7,050	7,050	9,120	6,483	71%	2,637
Exam Subject Matter Experts	0	0	0	0	-	0
Enforcement Totals	1,166,839	1,252,028	1,317,611	1,367,117	104%	(49,506)
Attorney General	603,172	660,744	582,668	579,826	100%	2,842
Office of Admin Hearings	63,814	87,970	59,584	106,102	178%	(46,518)
Evidence/Witness	87,295	90,295	100,145	102,077	102%	(1,932)
Court Reporters	4,042	5,042	0	3,684	-	(3,684)
DOI Investigation	408,516	407,977	575,214	575,428	100%	(214)
*TOTALS OE & E	2,079,020	2,165,799	2,502,473	2,448,198	98%	54,275
*TOTALS, PERS SVS AND OE & E	3,414,362	3,506,767	4,175,590	4,079,695	98%	95,895
Scheduled Reimbursements	(28,316)	(43,298)	(97,000)	(33,075)		(63,925)
Unsheduled Reimbursements	(44,902)	(55,702)	(2,000)	(65,925)		35,075
**TOTALS	3,341,144	3,407,767	4,076,590	3,980,695	98%	67,045

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

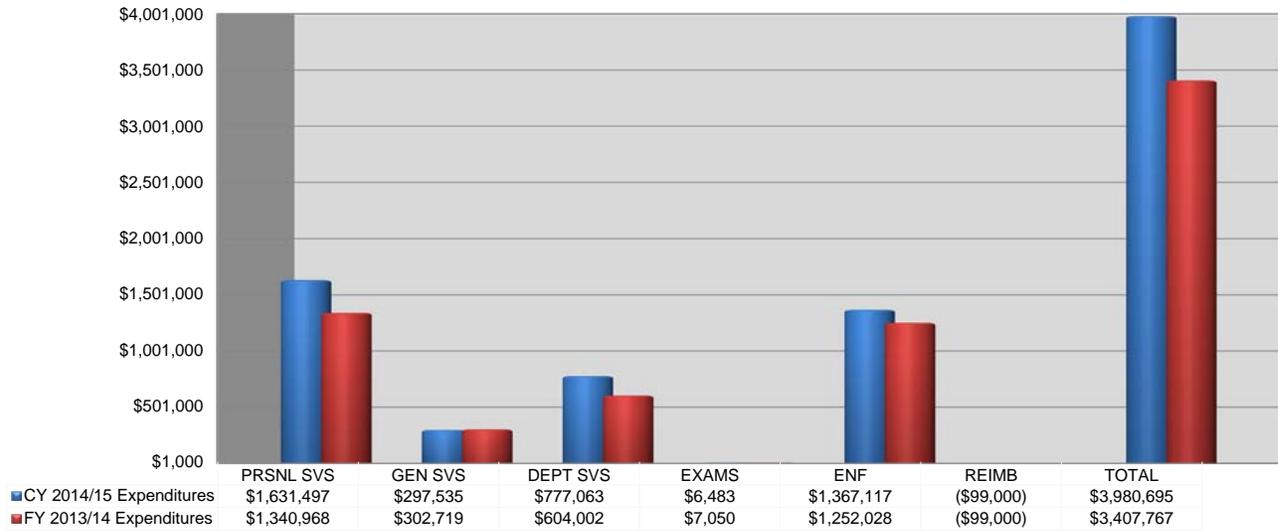
**Physical Therapy Board of California
CY 2014/15 Expenditure Measures Report
4th Quarter (As of 6/30/15)**

Expenditure Measures (quarterly)



Notes:
CY 2014/15 Budget Authority \$3,900,589

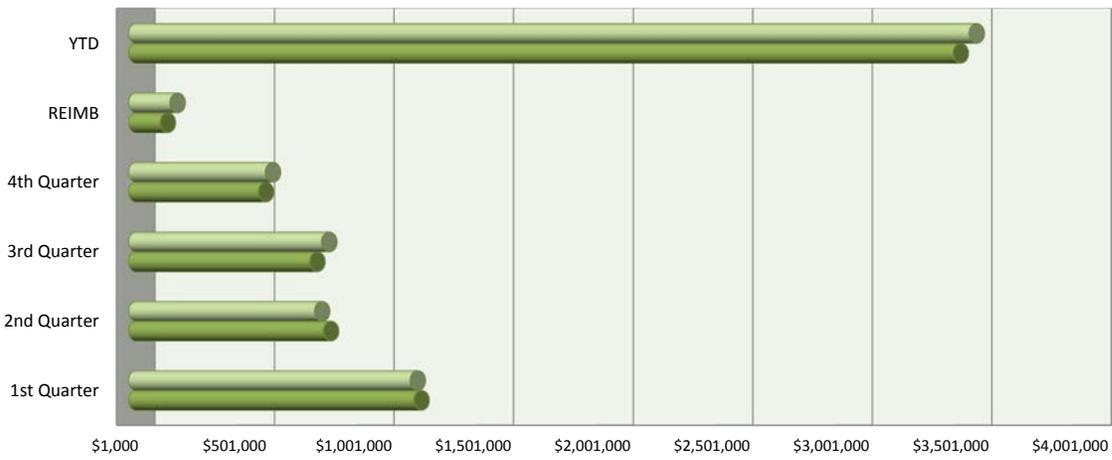
Expenditure Measures (year-end)



Notes:
CY 2014/15 (FM 12)
FY 2013/14 Actual Expenditures (FM13)

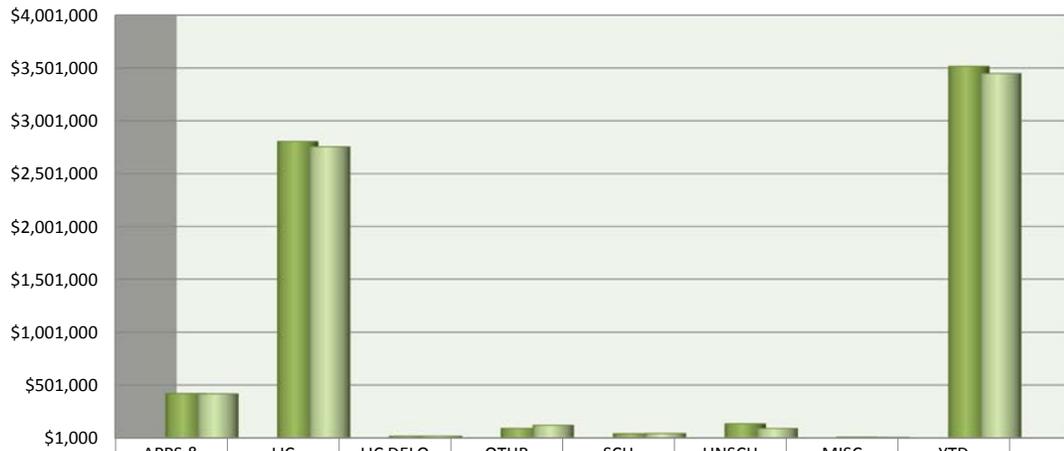
**Physical Therapy Board of California
CY 2014/15 Revenue Measures Report
4th Quarter (As of 6/30/15)**

Revenue Measures (quarterly)



	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	REIMB	YTD
CY 2014/15 Revenues	\$1,179,568	\$779,484	\$809,242	\$573,611	\$174,747	\$3,516,652
FY 2013/14 Revenues	\$1,195,229	\$816,818	\$759,598	\$544,386	\$133,804	\$3,449,835

Revenue Measures (year-end)



	APPS & LIC	LIC RNWL	LIC DELQ	OTHR REG	SCH REIMB	UNSCH REIMB	MISC	YTD
CY 2014/15 Revenues (FM12)	\$420,396	\$2,804,607	\$18,250	\$90,947	\$40,595	\$134,152	\$7,705	\$3,516,652
FY 2013/14 Revenues (Actual)	\$417,221	\$2,753,575	\$18,525	\$120,025	\$43,298	\$90,506	\$6,685	\$3,449,835



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Briefing Paper

Date: July 23, 2015

Prepared for: PTBC Members

Prepared by: Jacki Maciel

Subject: Outreach Report

Purpose:

To provide an update on the PTBC’s outreach activity for FY2014/15, 4th Quarter (Apr – Jun).

Attachments: [Outreach Statistics \(B-1\)](#)
[Outreach Statistics Year-end \(B-2\)](#)

Background:

Outreach is an essential function of the PTBC and the use of social media (Facebook, Twitter) streamlines communication among the profession and physical therapy consumer communities. Sharing resources and ideas has allowed the PTBC to assess and improve the effectiveness of our sites in order to provide information more quickly to a widespread audience.

Over the past year, the PTBC has experienced a vast improvement in the use of its social media. Specifically, the PTBC’s Facebook community has been increasingly active. For example, stakeholders are posting more comments, sharing more postings and corresponding more with the community and the PTBC.

As illustrated, quarterly reports are compiled in four quarters: Jul–Sep (Q1), Oct–Dec (Q2), Jan–Mar (Q3) and Apr–Jun (Q4). These reports are presented during scheduled board meetings throughout the fiscal year. However, since the Q4 report is the end of the fiscal year, highlighted analysis of the data are primarily focused on the comparison of activities for FY 2013/14 and FY 2014/15.

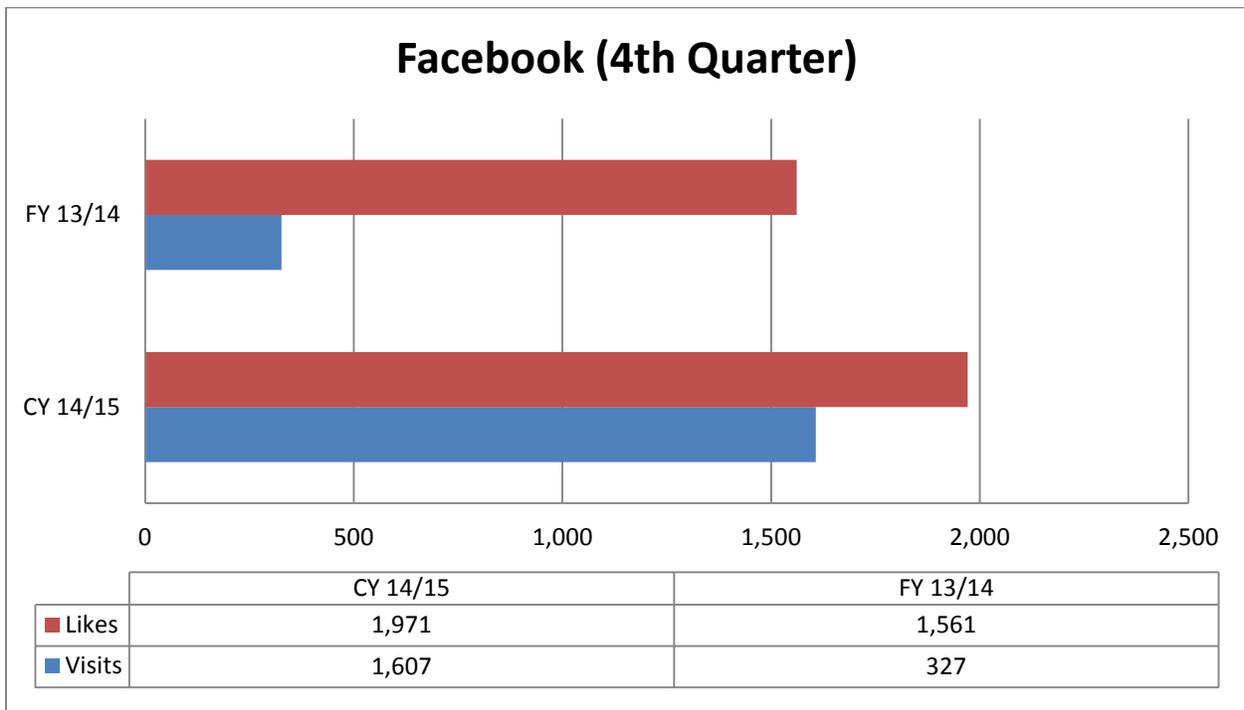
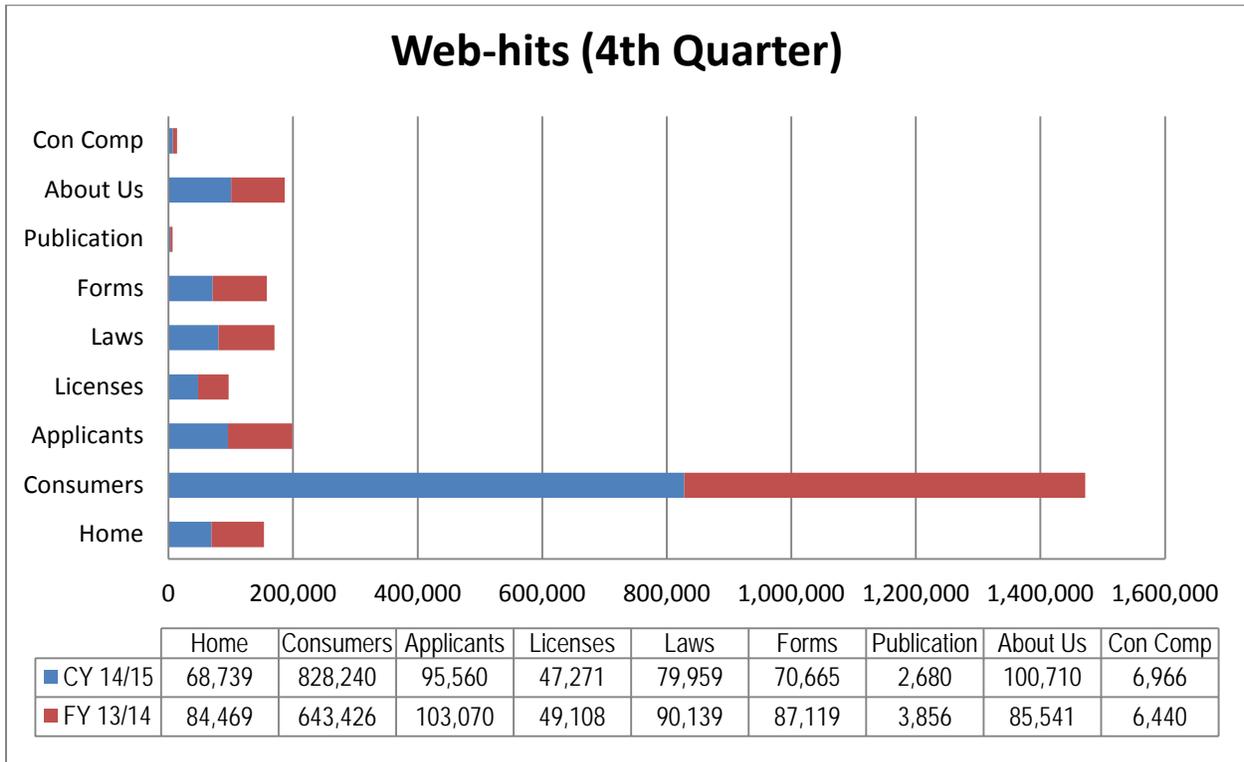
Analysis:

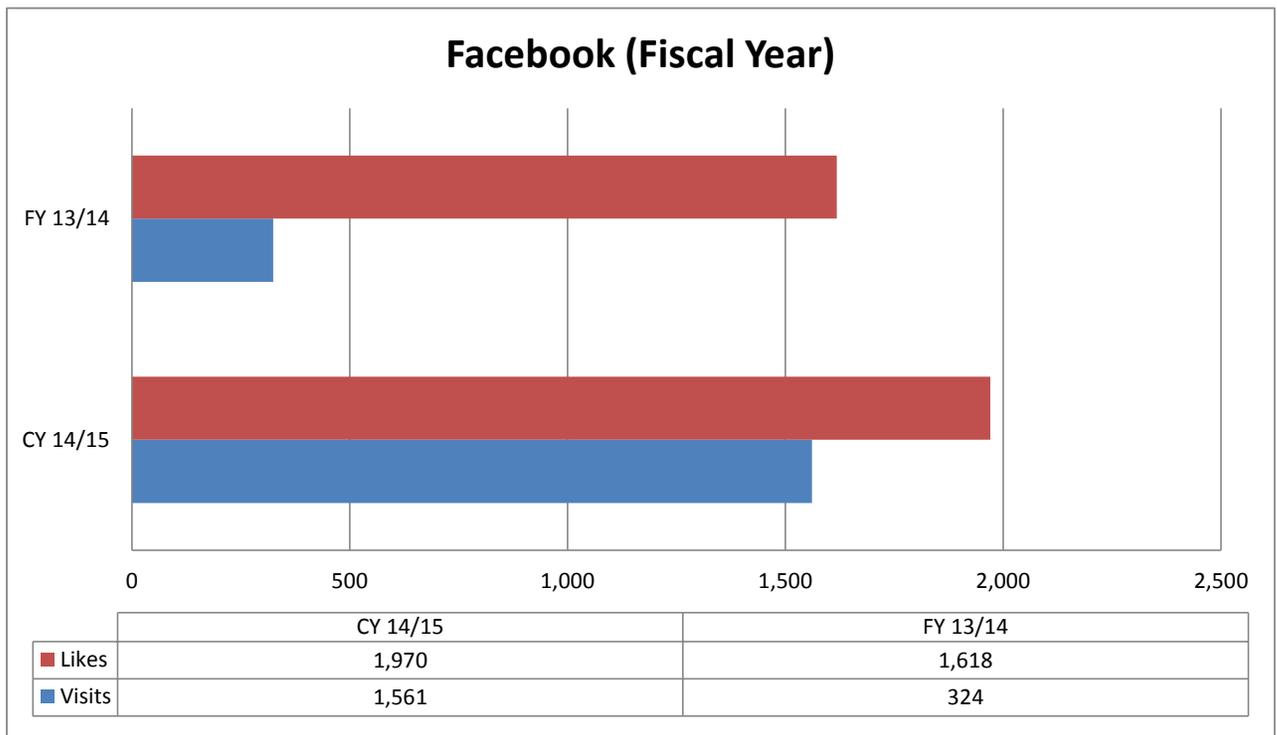
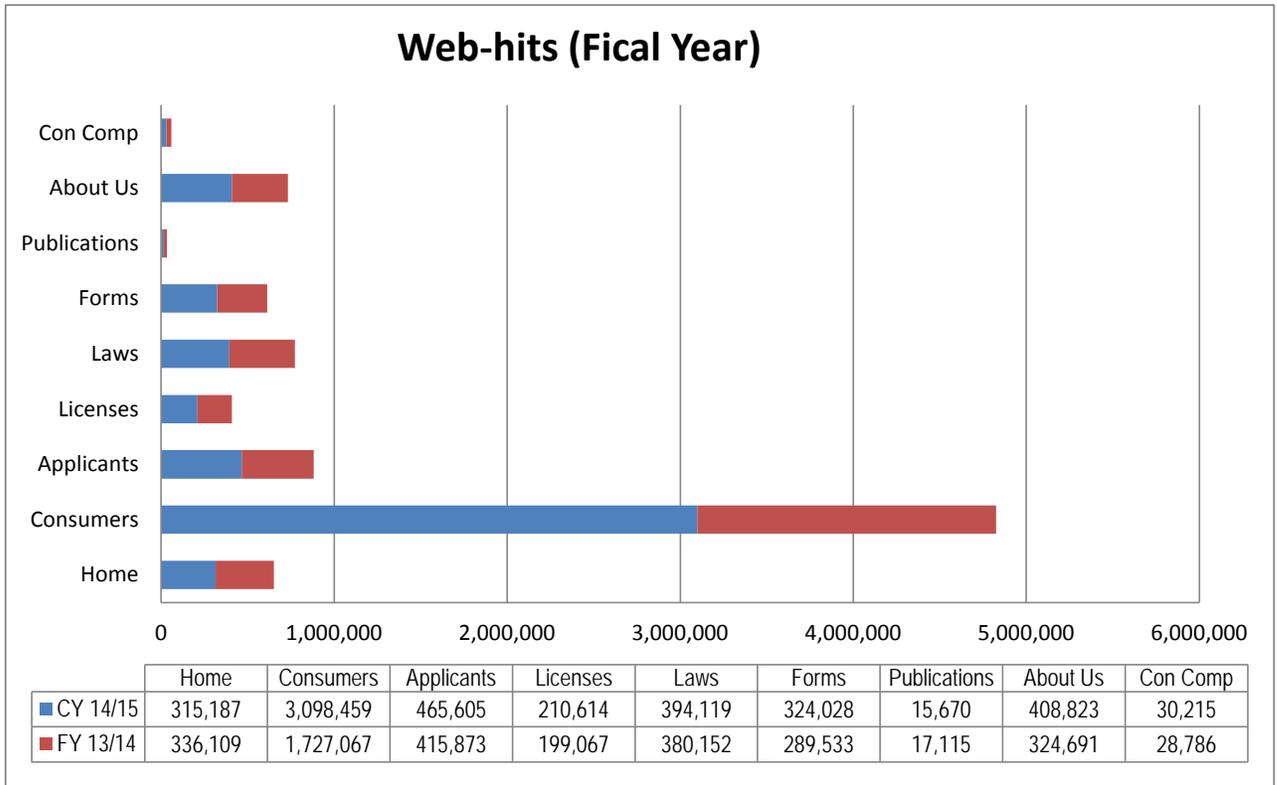
Staff identified the most significant increases in traffic to the PTBC website fell under the consumer tab reflecting a 79% increase from FY 2013/14 to FY 2014/15 and the applicants and forms tabs reflected an increase of 11%.

Stakeholder use of the PTBC Facebook page increased in the total likes to 1971 which reflects 9.50% increase from (Q3) to (Q4) FY 2014/15 and a 26% increase from FY 2013/14 to FY 2014/15. Our Facebook continues to rank number 1 within DCA’s healing arts boards and bureaus.

Action Requested:

No action being requested.







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Briefing Paper

Date: July 29, 2015
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: Application and Licensing Report

Purpose:

To provide an update on the PTBC's application, examination and licensing activity for FY 2014/15, 4th Quarter (Apr – Jun).

Attachments: [Application and Licensing Statistics \(12-1\)](#)
[Examination Statistics \(12-2\)](#)

Background:

The Application and Licensing Services (ALS) program is a core function of the PTBC, as the ALS staff is responsible for ensuring all applicants and licensees meet the statutory and regulatory requirements for licensure in a timely and efficient manner; however the PTBC struggles to meet the workload requirements effectively due to the staffing shortfalls.

The PTBC's volume of applications received has steadily increased every fiscal year. Naturally, as the number of applicants increase, the licensee population increases. Aside from the workload requirements increasing from this natural growth in the profession, the ALS workload requirements have been exacerbated with the implementation of several new statutory and regulatory requirements, i.e., inactive status, retired status, etc. As a result, the PTBC experienced backlogs within its application and licensing processes throughout the fiscal year (FY 2014/15). In an effort to alleviate these backlogs, existing staff were redirected to application and licensing processing. Also, the ALS program was split into two programs - Application Services and Licensing Services. This separation provides an appropriate organizational structure and assists with efforts to efficiently address workload as tasks are aligned with staff's expertise. Staff will continue to monitor workload and make program adjustments as necessary.

Further, effective March 1, 2015, continuing competency services are no longer provided within an individual program, i.e., Continuing Competency Services Program; it has been permanently placed under the Licensing Services program. This was done to utilize existing resources as efficiently as possible. This is vitally important as staff anticipates resuming conducting audits in CY 2015/16. Once audits begin, continuing competency activities will be included in the quarterly ALS reports.

As illustrated, the quarterly reports are compiled in four quarters: Jul–Sep (Q1), Oct–Dec (Q2), Jan–Mar (Q3) and Apr–Jun (Q4) and presented during scheduled board meetings throughout the fiscal year. The fiscal year begins July 1st of the current year and ends June 30th the following year, e.g., 7/1/14 – 6/30/15 (FY 2014/15). However, since the Q4 report is the end of the fiscal year, highlighted

assessments of the data are primarily focused on the comparison of activities for FY 2013/14 and FY 2014/15.

Analysis:

Applications

The volume of applications received has increased by approximately 8% from FY 2013/14 to FY 2014/15, which is higher than the 6% increase in FY 2013/14.

In both FY 2013/14 and FY 2014/15, the data clearly illustrates Q4 is the “busiest” time of year. The PTBC receives its highest volume of applications in Q4 (Apr-Jun), then Q1 (Jul-Sept), Q2 (Oct-Dec) and finally Q3 (Jan-Mar).

Because of the increasing volume of applications received this year, and this quarter (Q4) having the highest volume of applications, the application and licensure processes were significantly delayed. For example, staff has been unable to meet the 30-day mandated application acknowledgement deadline resulting in a 10 day backlog. Also, while there is no mandated deadline in which the PTBC must issue a license, there is approximately a 30-day delay from the deadline historically being met.

Licensing

Overall, the number of renewals received increased by 1.85% from FY 2013/14. However, the number of renewals issued decreased by 118 (0.8%) from FY 2013/14 to FY 2014/15, which is due to PTA renewals. There are several factors that to consider with this data, i.e., renewals on hold, renewals in delinquent status, etc. In addition, the average number of active licenses has increased by 484 (1.76%) from FY 2013/14 to FY 2014/15 with increases in all license types, including EK and EN. As staff previously anticipated, there is steady growth in the number licenses in retired status, which was implemented January 1, 2014. The PTBC had 31 licensees in retired status in FY 2013/14 and 72 in FY 2014/15 (year-end).

Examinations

The table below represents California’s pass rates for the National Physical Therapy Examination and the jurisprudence examination as compared to the National pass rates for the last two fiscal years.

	FY 2013/14		FY 2014/15	
	National	California ¹	National	California
Accredited PT	81%	84% (3%) ²	84%	79% (5%)
Foreign PT	22%	13% (9%)	22%	18% (4%)
Accredited PT	73%	67% (6%)	70%	66% (4%)
Foreign PTA	46%	42% (4%)	43%	46% (3%)
Jurisprudence Exam	80%	63% (17%)	72%	68% (4%)
Jurisprudence Exam	60%	47% (13%)	53%	52% (1%)

¹ Green text indicates California’s pass rate is higher than the National pass rate within the identified year; red text indicates California’s pass rate is lower than the National pass rate within the identified year.

² Variance

Overall, California's pass rates have been lower than the National pass rates; this has prompted staff to further explore examination performance. Staff anticipates including its findings in the near future and will include its findings in the quarterly ALS report.

Action Requested:

No action is requested.

**Application and Licensing Statistics Report
FY 2014/15 - 4th Quarter (4/1/15-6/30/15)**

Physical Therapy Board of California - APPLICATION STATISTICS

Applications Received

Type	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
					2013/14	Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
PT	358	256	150	440	1,204	105	212	102	419	73	60	106	239	43	60	43	146	62	336	98	496	1,300
FPT	78	78	76	79	311	19	24	16	59	18	11	14	43	31	22	15	68	25	19	25	69	239
FPTA	12	14	21	24	71	11	27	1	39	3	5	4	12	5	9	4	18	8	6	4	18	87
PTA	83	84	80	175	422	47	27	20	94	76	67	19	162	10	57	18	85	42	133	19	194	535
E-PTA	1	1	0	4	6	2	3	0	5	0	0	1	1	0	0	0	0	3	2	1	6	12
EK	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EN	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	532	433	327	726	2,018	184	293	139	616	170	143	144	457	89	148	80	317	140	496	147	783	2,173

Licenses Issued

Type	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
					2013/14	Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
PT	395	335	312	150	1,192	70	48	211	329	129	110	118	357	106	132	113	351	30	135	23	188	1,225
PTA	86	107	108	53	354	18	32	53	103	54	35	43	132	16	73	24	113	21	55	36	112	348
EK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	481	442	420	203	1,546	88	80	264	432	183	145	161	489	122	205	137	464	51	190	59	300	1,573

*License issuance data will not agree with applications received data because they do not occur in the same quarter.

**Application and Licensing Statistics Report
FY 2014/15 - 4th Quarter (4/1/15-6/30/15)**

Physical Therapy Board of California - LICENSING STATISTICS

Licenses Renewed

Type	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
	2013/14					Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
PT	2,887	2,760	2,550	2,928	11,125	831	955	871	2,657	1,027	711	844	2,582	1,129	796	983	2,908	1,066	1,012	1,018	3,096	11,243
PTA	697	666	642	732	2,737	22	255	205	482	257	166	205	628	239	196	257	692	255	250	202	707	2,509
EK	6	1	5	8	20	2	0	0	2	1	2	2	5	0	2	1	3	0	0	2	2	12
EN	3	2	3	2	10	0	1	1	2	0	0	0	0	2	2	1	5	1	1	1	3	10
Total	3,593	3,429	3,200	3,670	13,892	855	1,211	1,077	3,143	1,285	879	1,051	3,215	1,370	996	1,242	3,608	1,322	1,263	1,223	3,808	13,774

Active Licenses

Type	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
	2013/14					Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
PT	21,847	21,947	22,182	22,117	22,023	21,190	22,099	22,159	21,816	22,235	22,284	22,374	22,298	22,447	22,540	22,621	22,536	22,586	22,683	22,705	22,658	22,327
PTA	5,282	5,335	5,377	5,376	5,343	5,404	5,376	5,407	5,396	5,426	5,461	5,504	5,464	5,520	5,571	5,595	5,562	5,605	5,679	5,696	5,660	5,521
EK	29	30	30	29	30	30	30	30	30	30	30	30	30	31	31	32	31	31	31	31	31	31
EN	21	21	21	23	22	24	24	23	24	23	23	23	23	23	23	23	23	23	23	23	23	23
Total	27,179	27,333	27,610	27,545	27,417	26,648	27,529	27,619	27,265	27,714	27,798	27,931	27,814	28,021	28,165	28,271	28,152	28,245	28,416	28,455	28,372	27,901

**This table reflects the number of active licenses in specified time periods, and the quarter & end-of-year totals reflect averages, not sums, as this data is not cumulative.

Inactive Licenses

Type	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
	2013/14					Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
PT	1,480	1,498	1,567	1,426	1,493	1,396	1,421	1,454	1,424	1,452	1,476	1,489	1,472	1,514	1,531	1,547	1,531	1,555	1,570	1,592	1,572	1,500
PTA	415	417	437	395	416	381	386	392	386	391	398	399	396	407	409	417	411	420	420	420	420	403
Total	1,895	1,915	2,004	1,821	1,909	1,777	1,807	1,846	1,810	1,843	1,874	1,888	1,868	1,921	1,940	1,964	1,942	1,975	1,990	2,012	1,992	1,903

*Licensees in inactive status are eligible for active/valid status at any time.

**This table reflects the number of inactive licenses in specified time periods, and the quarter & end-of-year totals reflect averages, not sums, as this data is not cumulative.

Delinquent Licenses

Type	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
	2013/14					Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
PT	3,453	3,398	3,567	3,612	3,508	3,530	3,642	3,667	3,613	3,715	3,731	3,704	3,717	3,768	3,764	3,745	3,759	3,744	3,730	3,667	3,714	3,701
PTA	986	979	1,038	1,050	1,013	1,030	1,058	1,060	1,049	1,062	1,064	1,047	1,058	1,061	1,070	1,054	1,062	1,046	1,032	1,018	1,032	1,050
EK	3	3	3	4	3	3	3	2	3	2	2	2	2	1	1	1	1	1	1	1	1	2
EN	5	5	5	5	5	5	5	5	5	6	6	6	6	6	6	6	6	6	6	5	6	6
Total	4,447	4,385	4,613	4,671	4,529	4,568	4,708	4,734	4,670	4,785	4,803	4,759	4,782	4,836	4,841	4,806	4,828	4,797	4,769	4,691	4,752	4,759

*Licensees in delinquent status are eligible to renew their license at any time.

**This table reflects the number of delinquent licenses in specified time periods, and the quarter & end-of-year totals are averages, not sums, as this data is not cumulative.

Renewal Licenses - Fee Exemption/Waiver

Type	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
	2013/14					Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
Military (E)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	0	0	0	0	1
Disability (W)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Volunteer Service (W)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	2	1
Retired Status (E)	1	1	9	31	11	30	35	42	36	43	47	53	48	60	60	64	61	64	72	75	70	54
Total	2	2	10	32	12	31	36	43	37	44	48	54	49	61	61	64	62	66	74	77	72	56

**This table reflects the number of exempt licenses in specified time periods, and the quarter & end-of-year totals are averages, not sums, as this data is not cumulative. This data includes all license types - PT/PTA/EK/EN.

**Application and Licensing Statistics Report
FY 2014/15 - 4th Quarter (4/1/15-6/30/15)**

Federation of State Boards Physical Therapy - Examination Statistics

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

Accredited PT Program Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
	2013/14					2013/14	Jul	Aug*	Sep*	TOTAL	Oct	Nov	Dec*	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May*	Jun*	TOTAL
Pass	228	196	144	58	626	217			217	175	1		176	128	1	0	129	34			34	556
Fail	27	40	39	26	132	29			29	50	0		50	40	0	1	41	29			29	149
Total	255	236	183	84	758	246			246	225	1		226	168	1	1	170	63			63	705
Pass Rate	89%	83%	79%	69%	84%	88%			88%	78%	100%		78%	76%	100%	0%	76%	54%			54%	79%

Foreign Educated PT Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
	2013/14					2013/14	Jul	Aug*	Sep*	TOTAL	Oct	Nov*	Dec*	TOTAL	Jan	Feb	Mar*	TOTAL	Apr	May*	Jun*	TOTAL
Pass	5	8	9	11	33	11			11	3			3	10	1		11	10			10	35
Fail	57	59	47	58	221	42			42	47			47	29	0		29	37			37	155
Total	62	67	56	69	254	53			53	50			50	39	1		40	47			47	190
Pass Rate	8%	12%	16%	16%	13%	21%			21%	6%			6%	26%	100%		28%	21%			21%	18%

Accredited PTA Program Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
	2013/14					2013/14	Jul	Aug*	Sep*	TOTAL	Oct	Nov*	Dec*	TOTAL	Jan	Feb*	Mar*	TOTAL	Apr	May*	Jun*	TOTAL
Pass	74	97	67	39	277	99			99	68			68	96			96	60			60	323
Fail	28	38	33	37	136	50			50	37			37	35			35	42			42	164
Total	102	135	100	76	413	149			149	105			105	131			131	102			102	487
Pass Rate	73%	72%	67%	51%	67%	66%			66%	65%			65%	73%			73%	59%			59%	66%

Foreign Educated PTA Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
	2013/14					2013/14	Jul	Aug*	Sep*	TOTAL	Oct	Nov*	Dec*	TOTAL	Jan	Feb*	Mar*	TOTAL	Apr	May*	Jun*	TOTAL
Pass	5	6	8	5	24	19			19	6			6	11			11	2			2	38
Fail	11	9	12	8	40	10			10	15			15	12			12	7			7	44
Total	16	15	20	13	64	29			29	21			21	23			23	9			9	82
Pass Rate	31%	40%	40%	38%	42%	66%			66%	29%			29%	48%			48%	22%			22%	46%

*No examination administered

**Application and Licensing Statistics Report
FY 2014/15 - 4th Quarter (4/1/15-6/30/15)**

Federation of State Boards Physical Therapy - Examination Statistics Continued

California Law Examination (CLE)

Accredited Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
					2013/14	Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
Pass	499	358	347	232	1,436	225	158	117	500	133	165	120	418	154	132	75	361	79	81	120	280	1,559
Fail	303	204	204	138	849	123	73	47	243	74	73	47	194	71	39	30	140	66	48	51	165	742
Total	802	562	551	370	2,285	348	231	164	743	207	238	167	612	225	171	105	501	145	129	171	445	2,301
Pass Rate	62%	64%	63%	63%	63%	65%	68%	71%	67%	64%	69%	72%	68%	68%	77%	71%	72%	54%	63%	70%	63%	68%

Foreign Educated Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
					2013/14	Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
Pass	62	46	62	56	226	14	24	20	58	32	18	10	60	14	16	13	43	16	24	21	61	222
Fail	78	56	66	53	253	16	31	17	64	20	12	12	44	18	15	15	48	16	22	11	49	205
Total	140	102	128	109	479	30	55	37	122	52	30	22	104	32	31	28	91	32	46	32	110	427
Pass Rate	44%	45%	48%	51%	47%	47%	44%	54%	48%	62%	60%	45%	58%	44%	52%	46%	47%	50%	52%	66%	55%	52%

**Application and Licensing Statistics Report
FY 2014/15 - 4th Quarter (4/1/15-6/30/15)**

Federation of State Boards Physical Therapy - Examination Statistics Continued

National PT and PTA Examination - NATIONAL STATISTICS

Accredited PT Program Pass/Fail

PT	Q1	Q2	Q3	Q4	FY 2013/14	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY 2014/15
	Jul	Aug*	Sep*	TOTAL		Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun*	TOTAL					
Pass	4,528	1,366	1,123	1,657	8,674	4,575			4,575	1,375	1		1,376	1,024	79	1	1,104	1,902	4		1,906	8,961
Fail	701	505	381	406	1,993	562			562	504	1		505	296	25	2	323	397	0		397	1,787
Total	5,229	1,871	1,504	2,063	10,667	5,137			5,137	1,879	2		1,881	1,320	104	3	1,427	2,299	4		2,303	10,748
Pass Rate	87%	73%	75%	80%	81%	89%			89%	73%	50%		73%	78%	76%	33%	77%	83%	100%		83%	84%

Foreign Educated PT Pass/Fail

PT	Q1	Q2	Q3	Q4	FY 2013/14	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY 2014/15
	Jul	Aug*	Sep*	TOTAL		Oct	Nov*	Dec*	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun*	TOTAL					
Pass	256	318	235	186	995	239			239	183			183	222	17	0	239	212	2		214	875
Fail	1,026	956	742	775	3,499	779			779	923			923	565	33	1	599	885	2		887	3,188
Total	1,282	1,274	977	961	4,494	1,018			1,018	1,106			1,106	787	50	1	838	1,097	4		1,101	4,063
Pass Rate	20%	25%	24%	24%	22%	23%			23	17%			17	28%	34%	0%	29%	19%	50%		19%	22%

Accredited PTA Program Pass/Fail

PTA	Q1	Q2	Q3	Q4	FY 2013/14	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY 2014/15
	Jul	Aug*	Sep*	TOTAL		Oct	Nov	Dec*	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May*	Jun*	TOTAL					
Pass	3,078	1,308	902	887	6,175	3,181			3,181	1,343	6		1,349	791			791	1,032			1,032	6,353
Fail	784	654	407	422	2,267	654			654	564	5		1,223	424			424	397			397	2,698
Total	3,862	1,962	1,309	1,309	8,442	3,835			3,835	1,907	11		2,572	1,215			1,215	1,429			1,429	9,051
Pass Rate	80%	67%	69%	68%	73%	83%			83%	70%	55%		52%	65%			55%	72%			72%	70%

Foreign Educated PTA Pass/Fail

PTA	Q1	Q2	Q3	Q4	FY 2013/14	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY 2014/15
	Jul	Aug*	Sep*	TOTAL		Oct	Nov*	Dec*	TOTAL	Jan	Feb*	Mar*	TOTAL	Apr	May*	Jun*	TOTAL					
Pass	56	82	88	71	297	84			84	65			65	55			55	58			58	262
Fail	90	73	93	90	346	77			77	110			110	64			64	91			91	342
Total	146	155	181	161	643	161			161	175			175	119			119	149			149	604
Pass Rate	38%	53%	49%	44%	46%	52%			52%	37%			37%	46%			46%	39%			39%	43%

*No examination administered

**Application and Licensing Statistics Report
FY 2014/15 - 4th Quarter (4/1/15-6/30/15)**

Federation of State Boards Physical Therapy - Examination Statistics Continued

Jurisprudence (Law) Examination - NATIONAL STATISTICS

Accredited Program Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
PT & PTA					2013/14	Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
Pass	1,912	1,166	1,119	1,845	6,042	832	561	445	1,838	542	441	345	1,328	457	379	298	1,134	331	716	872	1,919	6,219
Fail	505	360	352	337	1,554	218	150	108	476	180	123	82	385	130	333	409	872	472	125	142	739	2,472
Total	2,417	1,526	1,471	2,182	7,596	1,050	711	553	2,314	722	564	427	1,713	587	712	707	2,006	803	841	1,014	2,658	8,691
Pass Rate	79%	76%	76%	85%	80%	79%	79%	80%	79%	75%	78%	81%	78%	78%	53%	42%	57%	41%	85%	86%	72%	72%

Foreign Educated Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	FY
PT & PTA					2013/14	Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2014/15
Pass	114	113	157	130	514	38	50	42	130	57	49	28	134	43	44	38	125	40	64	45	149	538
Fail	97	75	92	81	345	22	40	20	82	30	21	19	70	30	47	103	180	86	39	21	146	478
Total	211	188	249	211	859	60	90	62	212	87	70	47	204	73	91	141	305	126	103	66	295	1,016
Pass Rate	54%	60%	63%	62%	60%	63%	56%	68%	61%	66%	70%	60%	66%	59%	48%	27%	41%	32%	62%	68%	50%	53%



Physical Therapy Board of California

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

Physical Therapy Board of California

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Agenda Item 13

Briefing Paper

Date: July 2015

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

SUBJECT: Consumer Protection Services Program (CPS)

Purpose: CPS Reports

CPS Program Updates:

- The Expert Consultant Training date has been confirmed and will be held on November 3, 2015 at Loma Linda University.
- There have been some staff changes within the CPS program. Beatriz Reynoso was placed in to a vacant position which will allow her to expand her knowledge and experience as a case analyst. David Laxton has been moved from the intake position in to Ms. Reynoso's previous position (case analyst) and will be trained by Ms. Reynoso. Vincent Azar was recently promoted to a staff services analyst position (intake analyst) within the CPS program and will be trained by Mr. Laxton. Mr. Azar will continue to be the Board's single point of contact (SPOC) for BreEZe.

Performance Measures Report:

(Includes DRAFT Annual Report 2014/2015 & Q4 Report April – June 2015)

- PM1/Volume or Number of cases opened (complaints and convictions)

In FY 13/14, the Board initiated 1308 cases and in FY 14/15 initiated 1006. Complaints initiated for FY 14/15 decreased in almost all categories (i.e. unsafe, fraud, incompetence, other, unprofessional conduct, sexual misconduct) and a slight increase in disciplinary action by other state & unlicensed practice; however, the one category that increased significantly in FY 14/15 in comparison to FY 13/14 are convictions. In FY 13/14, 22% (289) of the cases were arrest/criminal related and FY 14/15, 33% (336) cases were arrest/criminal related.

Arrest/conviction cases are complex and the process can be lengthy due to the difficulty of obtaining documents from various agencies (i.e. arrest records, court records, response from licensee, etc.), waiting for final disposition of the criminal matter, and at times locating the proper arresting agency and/or court, which in turn can impact the processing time considerably.

- PM2/Intake Average number of days from complaint intake to case assignment

Although the target was not met in FY13/14, due to an internal procedural error, once it was rectified, the Target was met throughout FY14/15.

- PM3/ Intake & Investigation: Complaint receipt to closure of investigation. No discipline taken.

Of the 301 cases closed in the 4th quarter, 64% of the cases met the 90 day target. Overall for FY14/15, 60% of the cases met this target.

- PM4/Formal Discipline. Average number of days from complaint receipt to final disposition.

There was a slight increase of cases transmitted to the AG in FY14/15 (59) in comparison to FY 13/14 (52) which led to a higher number of final dispositions for FY 14/15. In FY14/15, there were 54 final dispositions, and in 13/14, there were 41 final dispositions. For FY 14/15, 35 of the cases were processed within three years with a final disposition.

Consumer Protection Services Report provides 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. These statistics provide an overall look at the enforcement process; however, keep in mind it is difficult to obtain good statistics to show and compare actual averages since there is no black and white process how a case will be investigated. Each case is reviewed individually and investigated dependent on the type and complexity of the case. Overall for FY 14/15, statistics show cases are being processed as efficiently as resources permit.

- For your reference, the Consumer Protection Services Report spreadsheet includes FY 13/14 (gray shaded column) to demonstrate the differences from FY 13/14 to 14/15.

Action Requested:

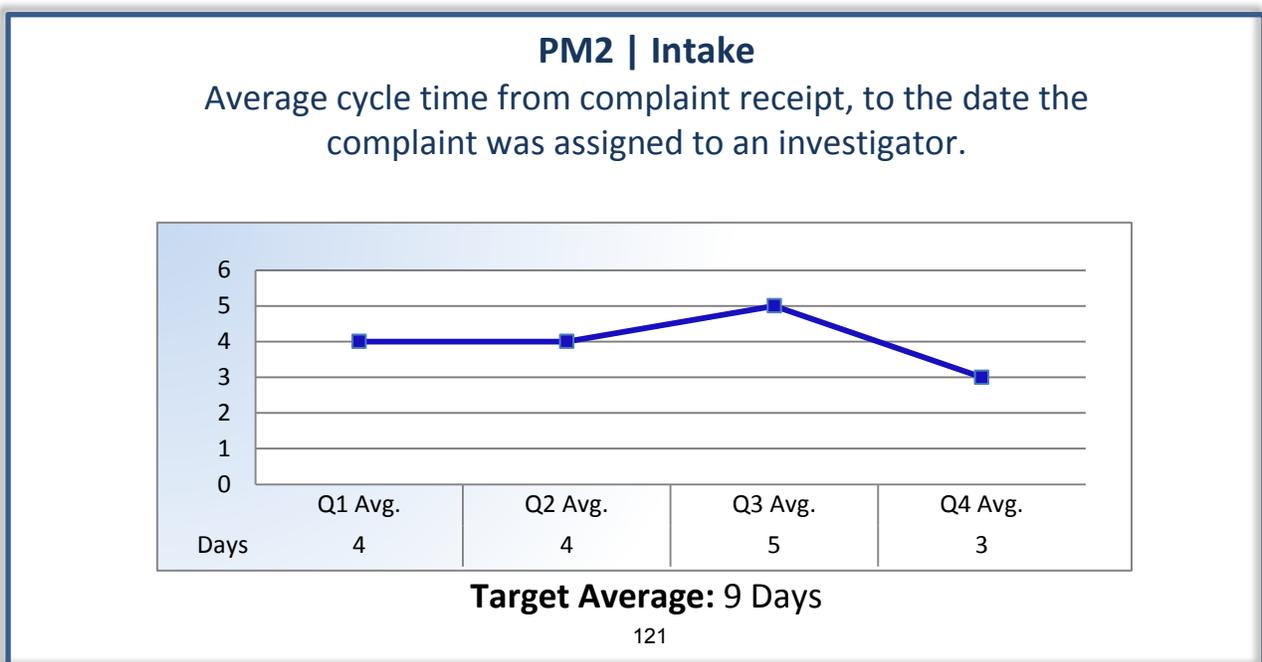
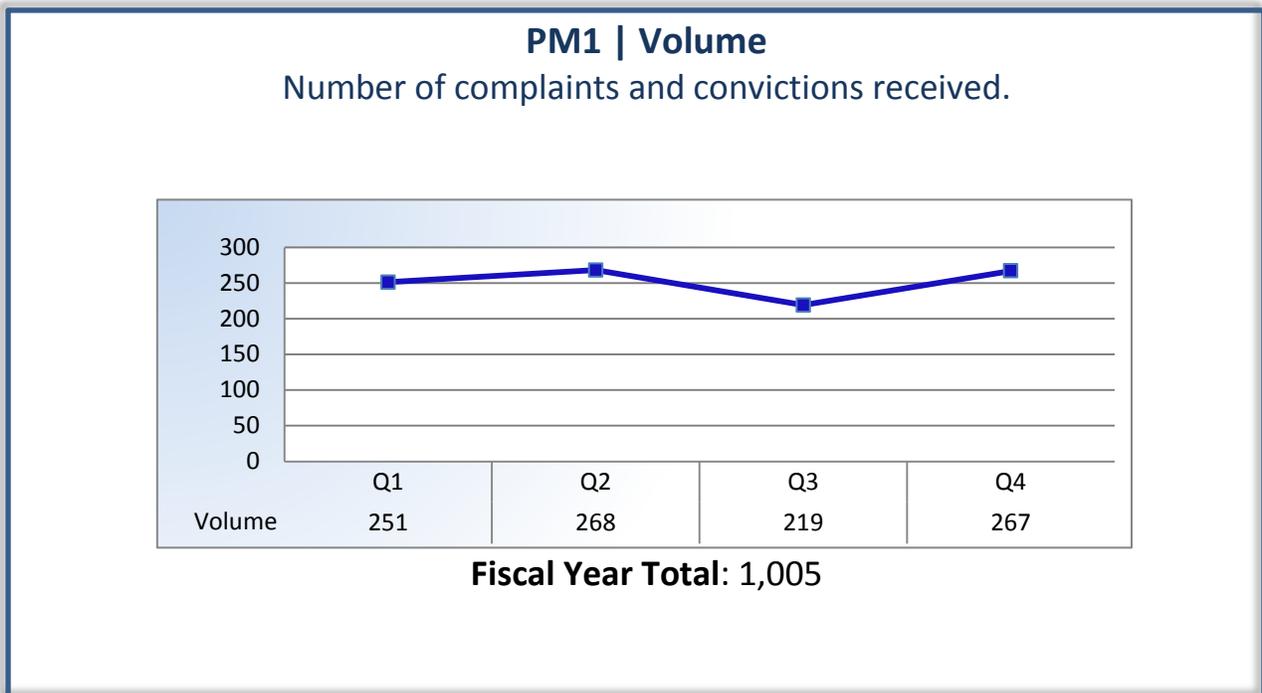
No Action Required

Physical Therapy Board of California

Performance Measures

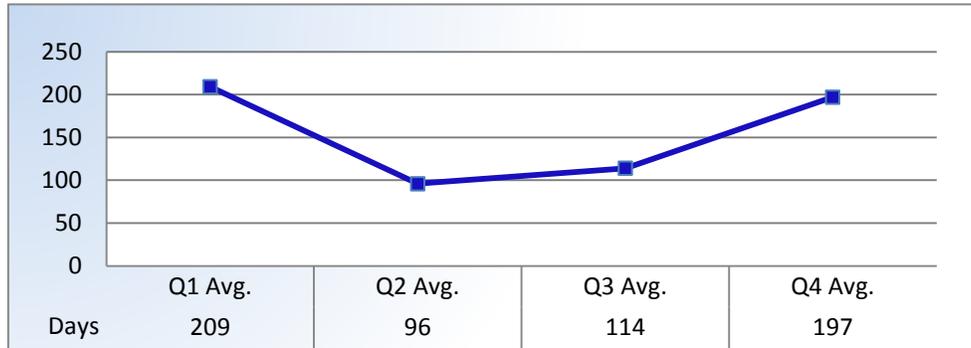
Annual Report (2014 – 2015 Fiscal Year)

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 and annual basis.



PM3 | Intake & Investigation

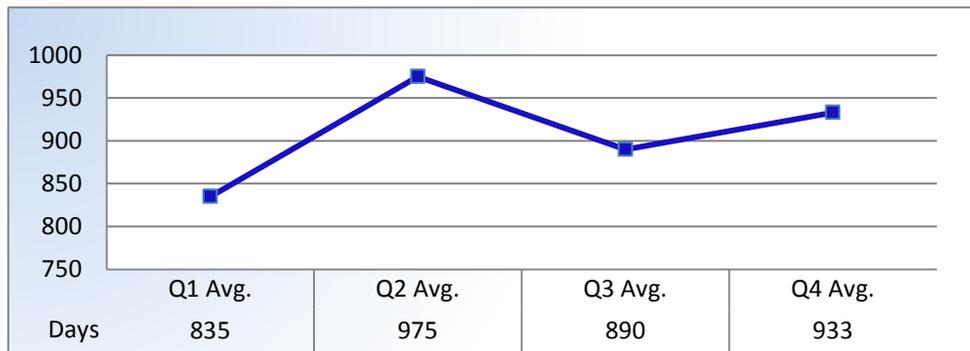
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 90 Days

PM4 | Formal Discipline

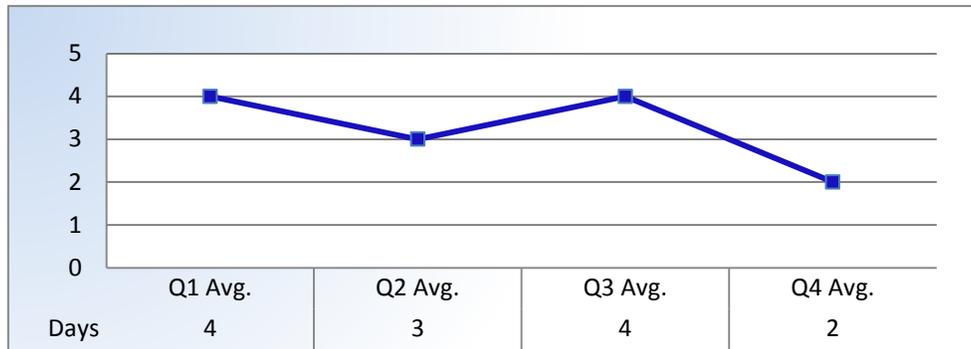
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 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

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 have any new probation violations this year.

Target Average: 7 Days

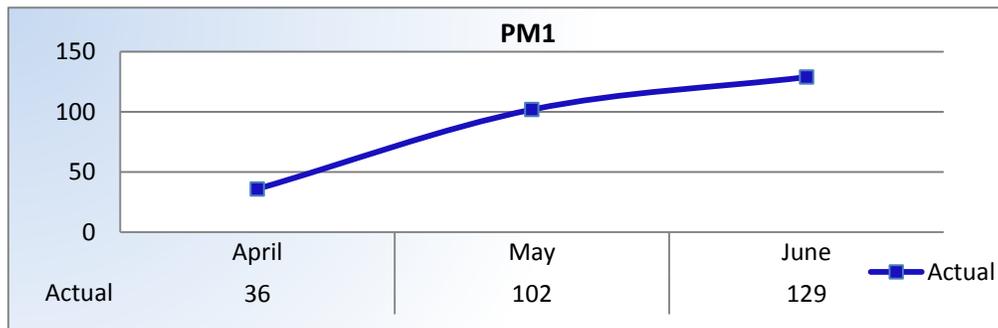
Performance Measures

Q4 Report (April - June 2015)

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.

PM1 | Volume

Number of complaints and convictions received.

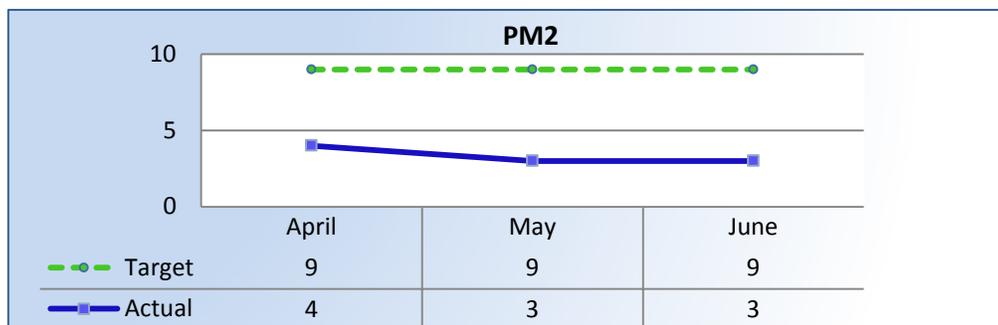


Total Received: 267 Monthly Average: 89

Complaints: 168 | Convictions: 99

PM2 | Intake

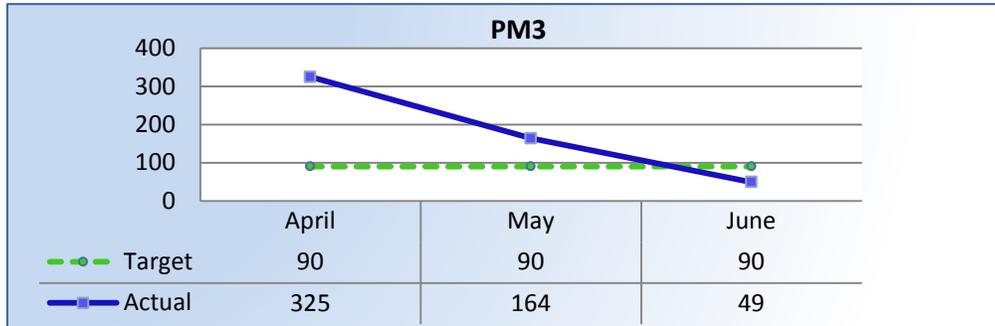
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | Actual Average: 3 Days

PM3 | Intake & Investigation

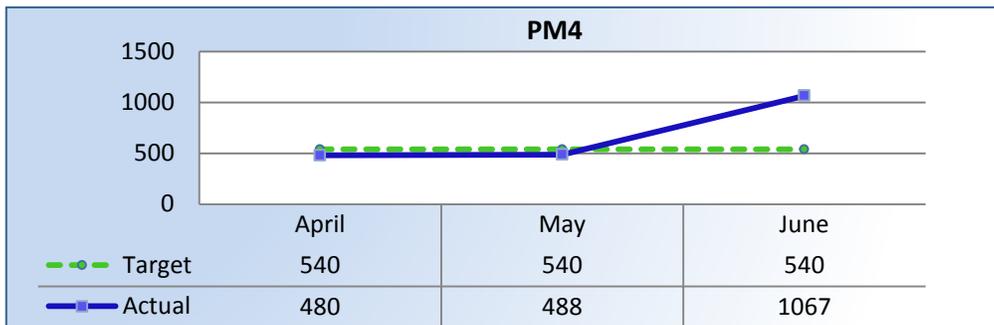
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 90 Days | Actual Average: 197 Days

PM4 | Formal Discipline

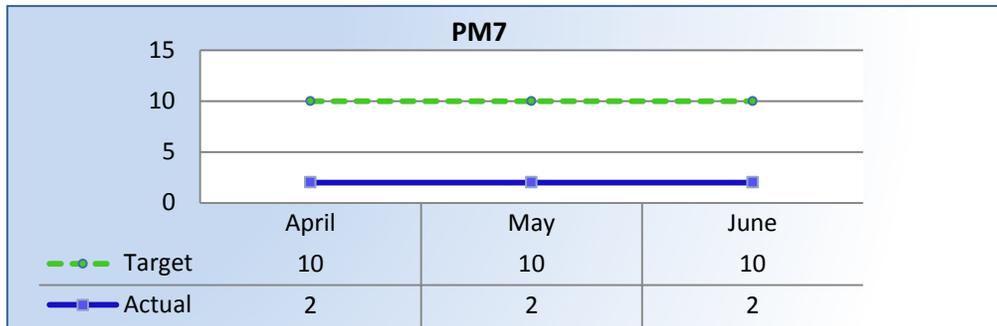
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | Actual Average: 933 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: 2 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 have 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			FY 14/15 Total	FY 13/14 Total
Complaint Intake														
<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		
Received	43	80	51	73	43	60	41	30	81	19	70	79	670	1019
Closed without Assignment for Investigation	2	0	0	0	0	0	1	2	1	2	0	0	8	97
Assigned for Investigation - <i>Note: Number of assigned cases may include cases from previous month; therefore totals will not add up.</i>	39	74	59	58	57	61	28	42	61	36	69	77	661	930
Average Days to Close or Assigned for Investigation	7	4	3	4	4	4	3	4	6	4	3	3	4	18
Pending	5	11	3	18	4	3	15	1	20	1	2	4		
Convictions/Arrest Reports														
Received	25	26	26	33	20	40	21	19	27	17	32	50	336	289
Closed / Assigned for Investigator	27	24	26	34	19	41	21	19	28	16	30	53	338	296
Average Days to Close	4	2	2	4	2	2	8	2	2	2	2	2	3	6
Pending	0	2	2	1	2	1	1	1	0	1	3	0		
Total Intake														
Received	68	106	77	106	63	100	62	49	108	36	102	129	1006	1308
Closed w/o Inv. Assignment	2	0	0	2	0	0	2	2	1	2	0	1	12	107
Assigned for Investigation	66	98	85	90	76	102	48	61	89	52	99	129	995	1216
Avg. Days to Close or Assign	6	3	3	4	3	3	5	4	5	4	3	3	4	15
Pending	5	13	5	19	6	4	16	2	20	2	5	4	4	6

<i>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.</i>														FY 13/14 Total
Investigation														
Desk Investigation	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	
Initial Assignment for Desk Investigation	66	98	85	90	76	102	48	61	89	52	99	129	995	1216
Closed	129	92	104	75	64	74	94	45	92	121	56	98	1044	1205
Average Days to Close	314	98	88	61	62	99	105	106	91	296	145	41	139	97
Pending	304	299	273	279	284	297	240	251	244	171	207	231		
Field Investigation (Non-Sworn)	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	
Assignment for Non-Sworn Field Investigation	N/A												0	
Closed													0	
Average Days to Close													0	
Pending														
Field Investigation (Sworn)	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	
Assignment for Sworn Field Investigation	1	11	7	9	7	15	10	5	5	4	7	7	88	100
Closed	1	1	13	7	4	7	14	4	10	13	8	5	87	80
Average Days to Close	162	244	551	577	550	682	306	514	500	537	521	392	495	440
Pending	111	121	115	117	120	128	125	126	120	111	110	112		
All Investigations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	
First Assignments	66	98	85	90	76	102	48	61	89	52	99	129	995	1216
Closed	130	93	117	82	68	81	108	49	102	134	64	103	1131	1285
Average Days to Close	313	100	139	105	90	150	131	140	131	319	192	58	167	118
Pending	415	420	388	396	404	425	365	377	364	282	317	343		
All Investigations Aging/Closed	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	
Up to 90 Days	50	68	66	62	43	54	59	23	64	57	45	91	682	864
91 to 180 Days	10	13	34	9	20	9	22	16	13	14	2	6	168	216
181 Days to 1 Year	6	3	9	3	2	5	20	5	16	15	4	1	89	82
1 to 2 Years	64	9	4	5	2	10	5	4	6	36	5	5	155	109
2 to 3 Years	0	0	2	2	1	1	2	1	3	5	6	0	23	10
Over 3 Years	0	0	2	1	0	2	0	0	0	7	2	0	14	4

Disciplinary Actions	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.													FY 13/14
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	Total
AG Cases Initiated	3	5	9	7	5	1	6	4	12	3	3	2	60	52
AG Cases Pending	72	73	73	72	73	68	70	71	74	75	75	66	66	78
SOIs Filed	0	1	0	0	0	2	1	0	1	1	1	1	8	6
Accusations Filed	5	6	8	4	0	3	3	6	3	5	5	4	52	44

ACC Decisions/Stips	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	
Prop/Default Decisions	3	1	1	4	1	2	2	2	2	0	0	2	20	7
Stipulations	1	0	7	2	0	4	1	0	6	1	2	7	31	29

SOI Disciplinary Orders	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	0	0	0	0	0	1	3	5
Average Days to Complete	396	0	0	404	0	0	0	0	0	0	0	383	394	751

ACC Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	
ACC Final Orders (Dec/Stips)	4	1	8	6	1	6	3	2	8	1	2	9	51	36
Average Days to Complete	760	421	1184	1192	1399	724	682	1247	879	480	488	1143	963	901

Total Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	
Total Final Orders (Dec/Stips)	5	1	8	7	1	6	3	2	8	1	2	10	54	41
Total Average Days to Complete	687	421	1184	1080	1399	724	682	1247	879	480	488	1067	932	883

Total Orders Aging/Final Decisions	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	0	0	0	0	0	0	0
91 to 180 Days	0	0	0	0	0	0	0	0	0	0	0	0	0	0
181 Days to 1 Year	0	0	0	0	0	1	0	0	0	0	0	0	1	3
1 to 2 Years	4	1	1	3	0	3	2	0	3	1	2	4	24	16
2 to 3 Years	0	0	2	1	0	1	0	0	3	0	0	3	10	12
Over 3 Years	1	0	5	3	1	1	1	2	2	0	0	3	19	10

Citations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	
Final Citations	6	8	22	4	12	15	8	4	10	3	0	7	99	249
Average Days to Complete*	178	104	215	494	188	166	229	283	251	163	0	120	204	141

Other Legal Actions	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	0	0	0	0	0	0	1	2

Probation														FY 13/14
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	Total
Entered Probationer	2	0	5	2	0	3	0	0	2	0	1	6	21	21
Completed Probation	1	0	1	0	0	0	0	0	0	1	1	0	4	8
Probation Terminated/Surrendered	0	0	0	0	2	0	0	0	1	0	0	2	5	*
Entered Maximus	3	0	1	1	2	1	0	0	0	0	1	1	10	7
Completed Maximus	0	1	0	0	1	0	0	1	0	0	2	0	5	4
Non-Compliant w/Probation	0	0	0	0	0	1	0	0	0	0	0	1	2	3
Total Probationers	73	71	75	80	78	82	80	80	82	82	83	87	88	74
Total Maximus Participants	16	14	13	13	14	14	14	13	13	13	14	11	11	13

* Initiated Probation Surrenders in FY 14/15

Performance Measures														FY 13/14
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total	Total
PM1 Volume - Number of Complaints Received within the specified time period.	43	80	51	73	43	60	41	30	81	19	69	79	669	1019
PM1 Volume - Conviction/Arrest Reports Received	25	26	26	33	20	40	21	19	27	17	33	50	337	289
PM2 Cycle Time - Intake Average number of complaint intake during the specified time period.	6	3	3	4	3	3	5	4	5	4	3	3	4	15
PM3 Cycle Time-No Discipline (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.	314	96	112	64	76	138	122	141	98	320	159	48	155	101.33
PM 4 Cycle Time-Discipline (Target 540 Days) Average number of days to complete the enforcement process (Complaint intake, Investigation, and Formal Discipline steps) for all cases transmitted to the AG's resulting with or without discipline.	632	421	1184	1080	1230	724	682	1247	879	480	488	1067	929	779

1 **Physical Therapy Board of California Disciplinary Summary**

2
3
4 The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of
5 April, May, & June 2015. The Decisions become operative on the Effective Date, with the exception of situations
6 where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions, which are
7 negotiated settlements waiving court appeals.
8

9 Copies of Accusations, Decisions, or Citations may be obtained by visiting our website at www.ptbc.ca.gov. In
10 addition to obtaining this information from our website, you may also request it by telephone, fax, or mail. Please
11 address your request to:

12
13 Physical Therapy Board of California
14 2005 Evergreen Street, Suite 1350
15 Sacramento, CA 95815
16 (916) 561-8200/ FAX (916) 263-2560
17



20 **April 2015**

21
22 **MCDANIEL, MARY ANNE (AT 5210)**

23 Accusation Filed 12/30/2014. Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660 Unprofessional
24 Conduct, 2660(a) Violating the Code, 2660(e) Conviction of Crime Offenses, 2661 Conviction of a Crime. Violation
25 of CCR: 1399.20 Criminal Substantial Relation, 1399.24 Unprofessional Conduct. Stipulated Surrender of License
26 and Order Effective 04/13/15, License Surrendered.
27

28 **May 2015**

29
30 **BLACK, GREGORY (PT 16285)**

31 Accusation Filed 08/21/14. Violation of B & P Codes: 2620.7 Failure to Maintain Adequate & Accurate Records,
32 2660(g) Gross Negligence. Violation of CCR: 1399.85 Failure to Maintain Adequate & Accurate Records.
33 Stipulated Settlement and Disciplinary Order Effective 05/28/15, Revocation Stayed, 3 Yrs. Prob.
34

35 **CHUNFAT, CINDY (PT 36308)**

36 Accusation Filed 09/22/14. Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the
37 Code, 2660(e) Conviction of Crime Offenses, 2661 Conviction of a Crime. Violation of CCR: 1399.20 Criminal
38 Substantial Relation. Stipulated Settlement and Disciplinary Order Effective 05/15/15.pdf, Revocation Stayed, 5
39 Yrs. Prob., or time necessary to satisfactorily complete the Board’s drug and alcohol recovery monitoring program
40 plus one year, whichever is longer.
41

42 **KLUZNIK-ASHLEY, MARK (AT 6255)**

43 Accusation Filed 10/14/14. First Amended Accusation Filed 02/03/15. Violation of B & P Codes: 136 Change of
44 Address Notification, 2239 Self Use of Drugs and Alcohol, 2660(b) Procuring Lic by Fraud, 2660(d) Convict of
45 Criminal Offense, 2660(e) Habitual Intemperance, 2660(h) Violating the Code, 2660(k) Commit Fraud, Dishonest
46 Act. Violation of CCR: 1398.6 Filing of Addresses, 1399.20 Criminal Substantial Relation. Stipulated Surrender of
47 License and Disciplinary Order Effective 05/29/15, License Surrendered.
48

49 **June 2015**

50
51 **ANDRIUSYTE, AUDRONE (PT 25991)**

52 Accusation Filed 08/30/13. Violation of B & P Codes: 490 Conviction of a Crime, 2239 Self-Use of Drugs or

1 Alcohol, 2660(d) Convict of Criminal Offense. Decision and Order Effective 06/19/15, Revocation Stayed, 2 Yrs.
2 Prob.

3 **COUNTS, E. KAREN (PT 43)**

4 Accusation Filed 03/14/14. Violation of B & P Codes: 141(a) Discipline Action Taken by Others, 2305 Discipline
5 By Another State. Default Decision and Order Effective 06/22/15, License Revoked.

7 **HILL, SHANNON (PT 23491)**

8 Accusation Filed 02/04/14. Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(d) Convict of
9 Criminal Offense, 2660(e) Habitual Intemperance, 2660(h) Violating the Code. Stipulated Settlement and
10 Disciplinary Order Effective 06/22/15, Revocation Stayed, 5 Yrs. Prob., or completion of the Board’s drug and
11 alcohol recovery monitoring program plus one year thereafter, whichever is longer.

13 **HOGAN PATRIQUIN, ANN ELIZABETH (PT 37639)**

14 Accusation Filed 04/30/14. Violation of B & P Codes: 490 Conviction of a Crime, 2239 Self-Use of Drugs or
15 Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of Criminal Offenses. Violation of CCR: 1399.20
16 Criminal Substantial Relation. Stipulated Surrender of License and Disciplinary Order Effective 06/22/15, License
17 Surrendered.

19 **REYES, RYAN (PT 35462)**

20 Accusation Filed 09/24/14. Violation of B & P Codes: 490 Conviction of a Crime, 2660(a) Violating the Code,
21 2660(e) Conviction of Crime Offenses, 2661 Conviction of a Crime. Violation of CCR: 1399.20 Criminal
22 Substantial Relation, 1399.24 Unprofessional Conduct. Stipulated Settlement and Disciplinary Order Effective
23 06/22/15, Revocation Stayed, 5 Yrs. Prob.

25 **SCHMITZ, CRAIG (PT 11697)**

26 Violation of B & P Code: 2660(j) Aiding and Abetting. Public Letter of Reprimand Issued 06/03/10. Accusation
27 Filed 02/26/14. Violation of B & P Codes: 2038 Unauthorized Practice of Medicine, 2052 Unlicensed Practice of
28 Medicine, 2620 Not Authorize PT to Diagnose, 2620.7 PT. Record Docum & Retention, 2660(g) Gross Negligence,
29 2660(h) Violating the Code, 2660(k) Commit Fraud, Dishonest Act. Violation of CCR: 1399.85 Patient Records
30 Stipulated Settlement and Disciplinary Order Effective 06/18/15, Revocation Stayed, 3 Yrs. Prob.

32 **SZASZY, STEVE (PT 25884)**

33 Accusation Filed 02/26/14. Violation of B & P Codes: 2038 Unauthorized Practice of Medicine, 2052 Unlicensed
34 Practice of Medicine, 2620 Not Authorize PT to Diagnose, 2620.7 PT. Record Docum & Retention, 2660(g) Gross
35 Negligence, 2660(h) Violating the Code, 2660(k) Commit Fraud, Dishonest Act. Violation of CCR: 1399.85 Patient
36 Record. Stipulated Settlement and Disciplinary Order Effective 06/18/15, Revocation Stayed, 3 Yrs. Prob.

38 **WILKINSON, NICHOLAS (AT 10466)**

39 Initial Probationary License Issued 06/09/14, 3 Yrs. Prob., or completion of drugs & alcohol program plus 1 year,
40 whichever is longer. Violation of B & P Code: 480 Grounds for Denial of License. Statement of Issues Filed
41 08/08/14. Accusation and Petition to Revoke Probation Filed 12/04/14. Stipulated Surrender of License and
42 Disciplinary Order Effective 06/01/15, License Surrendered.

44 **Administrative Citations and Fines Paid**

46
47

48 **April 2015**

50 **CASCO, FRANCESCA FRINEE (AT 8376)**

51 Violation of CCR: 1399.24 Unprofessional Conduct. Citation and Fine Ordered 10/16/13. Citation Paid in Full
52 04/24/14.

54 **DONLEY, REBEKAH RUTH (PT 33729)**

1 Violation of B & P Code: 2620.7 Patient Record Documentation & Retention. Violation of CCR: 1399.85 Patient
2 Records. Citation and Fine Ordered 02/20/15. Citation Paid in Full 04/14/15.

3
4 **LONGORIA, SANTIAGO MARTIN (AT 10298)**

5 Violation of B & P Code: 2660(e) Conviction of a Crime Substantially Related. Citation and Fine Ordered
6 03/04/15. Citation Paid in Full 04/01/15.

7
8 **MACLEAN, DANIEL LEE (PT 38932)**

9 Violation of B & P Code: 136 Address Change Notification. Violation of CCR: 1398.6 Filing of Addresses.
10 Citation and Fine Ordered 03/17/15. Citation Paid in Full 04/10/15.

11
12 **PATARIA, BRIJPAL SINGH (PT 36405)**

13 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
14 Criminal Offenses. Citation and Fine Ordered 03/04/15. Citation Paid in Full 04/01/15.

15
16 **WAN, HELEN MAY-KEE-LIU (PT 30359)**

17 Violation of B & P Code: 136 Address Change Notification. Violation of CCR: 1398.6 Filing of Addresses.
18 Citation and Fine Ordered 03/17/15. Citation Paid in Full 04/02/15.

19
20 **SAAFIR, KWAME (PT 21572)**

21 Violation of B & P Code: 136 Change of Address Notification. Violation of CCR: 1398.6 Filing of Addresses.
22 Citation and Fine Ordered 03/17/15. Citation Paid in Full 04/20/15.

23
24 **May 2015**

25
26 **JAUREGUI, ROXANNE R (AT 3300)**

27 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
28 Criminal Offenses. Citation and Fine Ordered 02/23/15. Citation Paid in Full 05/06/15.

29
30 **PARK, JIN SOOK (PT 22150)**

31 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
32 Crime Offenses. Citation and Fine Ordered 04/15/15. Citation Paid in Full 05/05/15.

33
34 **PATEL, BHARTI (PT 14198)**

35 Violation of B & P Codes: 141(a) Disciplinary Action Taken by Others, 2660(o) Adverse Action by Others, 2660(j)
36 Commit Fraud, Dishonest Act. Violation of CCR: 1399.24(d)(4) Unprofessional Conduct. Citation and Fine
37 Ordered 03/17/15. Citation Paid in Full 05/14/15.

38
39 **RIES, JAMES T. (PT 18633)**

40 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
41 Crime Offenses. Citation and Fine Ordered 04/15/15. Citation Paid in Full 05/14/15.

42
43 **ROSILES, MADELYN (AT 3864)**

44 Violation of B & P Code: 136 Change of Address Notification. Violation of CCR: 1398.6 Filing of Addresses.
45 Citation and Fine Ordered 03/17/15. Citation Paid in Full 05/14/15.

46
47 **June 2015**

48
49 **FREIDENFELT, JOSHUA (AT 10811)**

50 Violation of B & P Codes: 2660 Unprofessional Conduct, 2660(e) Conviction of Criminal Offenses. Citation and
51 Fine Ordered 04/15/15. Citation Paid in Full 06/16/15.

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Glossary of Terms

- B & P Code – Business and Professions Code
- H & S Code – Health and Safety Code
- R & R – Rules and Regulations
- CCR – California Code of Regulations

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

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

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

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

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

Surrender of License: License surrenders are accepted in lieu of further proceedings.

Statement of Issues Decision: These are decisions rendered after the filing of a Statement of Issues.

Stipulated Decision: Negotiated settlements waiving court appeals.

Physical Therapy Board of California

BOARD MEMBER TRAVEL EXPENSE CLAIM PROCEDURES

The “Traveler” refers to the Board Member and the “PTBC” refers to the PTBC staff person designated to handle travel accommodations and expense claims for board members.

The PTBC is responsible for adhering to the DCA, Travel Guide, including any other travel-related policy and procedures applicable to completing and submitting a Travel Expense Claim (TEC) timely and efficiently.

The Traveler is responsible for adhering to all travel-related guidelines, policy and procedures when conducting state business. In addition, responsible for providing information to the PTBC that is required to complete and submit a Travel Expense Claim on their behalf.

In preparation of traveling to conduct state business, the Traveler should contact the PTBC to address any questions, concerns, etc. prior to traveling.

Steps	If	Then
1	You are traveling to conduct state business	The Traveler shall complete the Travel Checklist prior to traveling.
2		The Traveler shall submit the Travel Checklist to the PTBC. The PTBC will review and respond within 5 business days of receiving.
Steps	If	Then
1	You anticipate using a mode of transportation other than flight (e.g., driving a personal or rental car)	The Traveler shall note the Travel Checklist. Note: The state requires a Cost Comparison form be completed and on file. The State will only reimburse the most cost-effective method of travel.
2		The PTBC will complete a Cost Comparison form and include in the response to your Travel Checklist (within 5 days).

Physical Therapy Board of California

BOARD MEMBER TRAVEL EXPENSE CLAIM PROCEDURES

While traveling it's important to obtain and save all your receipts for expenses incurred during your trip.

In accordance with the DCA, Travel Guide a receipt shall be submitted for every item of expense of \$1 or more, unless noted otherwise and all receipts must be attached to the TEC, whether paid directly (to the vendor or establishment) by the State or paid by the traveler. Examples are airline itineraries, final rental car expense receipts, etc. In addition, a valid receipt consists of the establishment's name, address, itemized expenses, including the total amount due and method of payment.

Steps	If	Then
1	The expense is for: <ul style="list-style-type: none"> • Transportation • Hotel • Parking • Bridge tolls • Gasoline • Business expense (e.g., fax, etc.) 	Request a receipt (if not provided) and Save all your receipts. Note: A receipt is not required for Incidental expenses. The term "incidental expenses" means fees and tips given to porters, baggage carriers, hotel staff, and staff on ships. It is important to note that no other items may be claimed as an incidental.
Steps	If	Then
2	You misplaced a receipt	Contact the PTBC for assistance and/or make a note when submitting your receipts to the PTBC. Note: A credit card statement showing the expense may be used in lieu of a receipt. All personal information should be redacted, other than the expense to be reimbursed. If not, the PTBC will be required to do on your behalf in order to submit for processing.

Physical Therapy Board of California

BOARD MEMBER TRAVEL EXPENSE CLAIM PROCEDURES

Once your trip has concluded, the Traveler will begin the process of preparing to submit a Travel Expense Claim (TEC). All DCA, employees shall adhere to the Travel Guide and any other travel-related policies, processes and procedures when conducting travel or completing the TEC process.

In addition, the Bargaining Contracts, California Department of Human Resource (CalHR), Departmental Policy, and the *State Administrative Manual (SAM)* sets forth the information contained in the Travel Guide. If any of the information within is in conflict with the most recent provisions set forth, then those provisions will supersede the Travel Guide. Information provided in the guide is routinely updated by various control agencies. The Traveler or User of the guide must always make sure they have the most current information.

Steps	If	Then
1	You are completing and submitting a TEC directly to DCA for processing (not PTBC)	<p>Please contact the PTBC for assistance.</p> <p>In summary, the process includes:</p> <ol style="list-style-type: none"> 1. The TEC shall be completed using the CalATERS Global system. 2. The TEC shall be forwarded to the “Approver” for review/approval/signature. 3. The approved TEC shall be forwarded with all required documents to the DCA, Travel Unit. 4. A complete copy must be forwarded to the PTBC for file. <p>Note: For additional information, please contact PTBC directly. You may also reference the DCA, Travel Guide.</p>
Steps	If	Then
1	The PTBC is completing and submitting a TEC on your behalf	The PTBC shall complete the TEC using the CalATERS Global system.
2		The Traveler shall gather all required receipts and supporting documents.

Physical Therapy Board of California

BOARD MEMBER TRAVEL EXPENSE CLAIM PROCEDURES

3		<p>The Traveler shall complete the Meal Expense Form. The PTBC will use this form to complete the TEC process.</p> <p>Note: A complete TEC includes:</p> <ul style="list-style-type: none"> • Start and end dates of travel • Start and end times of travel • All receipts (applicable) • Supporting documents (written explanation if you did not stay at a hotel, using personal vehicle in lieu of airplane, including cost comparison, etc.).
4		<p>The Traveler shall submit all receipts, documents, and completed Meal Expense Form to the PTBC.</p>
5		<p>The PTBC will review and process your request within 5 business days from receipt.</p> <p>Note: The PTBC will be reviewing your Travel Checklist, Meal Expense Form, receipts and any supporting documents received to process your claim efficiently.</p>
6		<p>The PTBC shall review the TEC for accuracy, including reviewing all required supporting documents, e.g., receipts, etc. are present and accurate according to what is being reported on the TEC.</p>
7		<p>Once the TEC is completed, the system will send an email notification to the Approver regarding a TEC has been submitted.</p>
Steps	If	Then
1	The TEC is not correct, i.e., missing documents, etc.	The PTBC shall contact the Traveler immediately and reconcile all discrepancies promptly.

Physical Therapy Board of California

BOARD MEMBER TRAVEL EXPENSE CLAIM PROCEDURES

Steps	If	Then
1	The TEC is correct and includes all supporting documents	<p>The PTBC shall prepare the TEC for submittal to the Approver for review/approval/signature.</p> <p>Note: The PTBC shall complete this task within 1 business day of completing the TEC. Please allow 2-3 days to receive via U.S. mail.</p>
2		Print the TEC from the CalATERS Global system.
3		Make 1 copy of all the documents, i.e., TEC, receipts, meal expense form, etc.
4		Forward 1 copy of these documents to the Approver for review/approval.
5		<p>Email the Approver that the TEC has been mailed.</p> <p>Note: The Board President shall approve all board members TEC request. However, the Vice President may approve with the consent of the Board President. In addition, the DCA, Board Relations Deputy Director shall approve the Board President's TEC.</p>
Steps	If	Then
1	The Approver does not approve the TEC	Contact the PTBC for assistance.
Steps	If	Then
1	The Approver approves the TEC	The Approver shall sign the TEC and return all documents received to the PTBC for processing.

Physical Therapy Board of California

BOARD MEMBER TRAVEL EXPENSE CLAIM PROCEDURES

2		<p>The PTBC shall submit the TEC to DCA, Travel Unit for processing.</p> <p>Note: The PTBC shall keep 1 copy of all documents for file.</p>
Steps	If	Then
1	The DCA, Travel Unit does not approve the TEC	<p>The Traveler and/or PTBC will be notified via the CalATERS Global system.</p> <p>Discrepancies shall be reconciled immediately, to avoid further delays.</p>
Steps	If	Then
1	The DCA, Travel Unit approves the TEC	The PTBC shall monitor the status biweekly until TEC is processed.
2		<p>The Travel Unit will process the TEC within 30 business days after submittal.</p> <p>Note: Processing times may vary based on workload. In addition, TEC's submitted after June (year-end) will be delayed.</p>
3		The Travel Unit will mail the TEC reimbursement check to the PTBC Office via Mail Courier within 2 days of being issued.
4		<p>The PTBC shall complete the following: Receipt check in Log Note the Traveler's TEC file Mail check to the Traveler via U.S. Mail; and Notify the Traveler the check has been mailed.</p> <p>The PTBC shall complete this process within 1 day of receipt of check. Please allow 2-3 days to receive check via U.S. mail.</p> <p>Note: While there is no policy regarding the method a check is mailed. Historically, the PTBC has distributed checks via priority or overnight. However, depending on circumstances, the check may be mailed via U.S. mail.</p>

**Physical Therapy Board of California
Travel Checklist**

NAME:	TRIP NAME:
--------------	-------------------

INSTRUCTIONS:

- 1 Please review and complete all questions. For ease, use your tab function key and/or your mouse to enter your response.
- 2 Please answer questions to the best of your knowledge and enter your comments, etc. in the field identified.
- 3 Once completed, save as "Travel Checklist" AND submit by email to madison.namba@dca.ca.gov.

No.	QUESTIONS:	ENTER RESPONSES		
► Attendance Arrangements				
1	Will you be attending the Board Meeting as scheduled?			
(a)	If no, please provide explanation below (e.g., 1st day only, schedule conflict, etc.)			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
► Hotel Arrangements				
2	Will you be staying at the Hotel as arranged by PTBC?			
(a)	If yes, did you confirm your reservation?			
(b)	If no, please complete your hotel arrangements AND provide general information below (e.g., staying with someone, driving day of meeting, etc.).			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
► Travel Arrangements				
3	What method of transportation will you use for traveling TO and DURING your trip?	To Trip	AND	During Trip
	<small>Please be informed: The Department of Consumer Affairs (DCA) will only reimburse the most cost effective mode of transportation. Example, if flying (airfare) is cheaper than driving (mileage expense), DCA will only reimburse the cost of flying, not the cost of driving.</small>			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
4	Would you like PTBC to arrange your transportation (i.e., flight, rental car, etc. as specified above)?			
(a)	If yes, please provide your preferable city, date and time of departure and return.	City	Date(s)	Time(s)
	→ Departure			
	→ Return			
(b)	If no, please complete your transportation arrangements AND provide general information below.			
	<small>Please Note: All travel accommodations, flight, rental car, etc. must be completed using the CalTravel Store.</small>			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
► Lunch Arrangements				
5	Will you be participating in lunch plans?			
(a)	Meeting Day 1			
	<small>Please Note: Bottled water will be provided during meeting.</small>			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
(b)	Meeting Day 2			
	<small>Please Note: Bottled water will be provided during meeting.</small>			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
► Dinner Arrangements				
6	Will you be available (upon request) to participate in dinner plans?			
(a)	If yes, please provide preferable date/time (e.g, 8/18 after 5:30, etc.).	Date(s)	AND	Time(s)
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
► Equipment/Material Arrangements				
7	Will you be bringing your laptop to the meeting?			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
8	Would you like a hard copy of the materials (agenda book)?			
(a)	If yes, when would you like to receive your hard copy (mailed prior to the meeting or provided at the meeting)?			
	▼ Copies will be in comb binding. If you prefer different, comment below (i.e., 3 ring, in a binder, etc.)			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
► Other Request/Accommodations				
9	Do you have any other request (e.g., equipment, paper, pen, etc.)?			
(a)	If yes, please specify below.			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			
► Comments				
10	Did you find this Checklist to be helpful?			
(a)	If no, please specify below. Your feedback is greatly appreciated!			
	<ul style="list-style-type: none"> ● Click here to enter comments, etc. 			

DEPARTMENT OF CONSUMER AFFAIRS TRAVEL GUIDE



**Office of Administrative Services
Accounts Payable Travel Unit**

January 2015

Disclaimer

Bargaining Contracts, California Department of Human Resource (CalHR), Departmental Policy, and the *State Administrative Manual (SAM)* sets forth the information contained in this *Travel Guide*. If any of the information within is in conflict with the most recent provisions set forth by the said mentioned above, then those provisions will supersede this guide. Information provided in this guide is routinely updated by various control agencies. The traveler or user of this guide must always make sure they have the most current information. Click on the Web links to view the most current information.

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CHAPTER 1 INTRODUCTION AND DEFINITIONS

Introduction

The purpose of this guide is to provide and define the basic travel reimbursement rules for employees who are required to travel on official State business, methods of travel that are available, and how to use them, in accordance with the State Bargaining Contracts, California Department of Human Resources (CalHR) Travel Rules for Represented Employees sections 599.615–599.638.1 of title 2 of the California Code of Regulations, and the *State Administrative Manual (SAM)* section 700. If any of the information herein is in conflict with the most recent provisions set forth by the bargaining contract or government code sections cited above, then those provisions will supersede this guide. In addition, information provided in this guide is routinely updated by various control agencies. The traveler or user of this guide must always make sure they have the most current information.

Note: The travel reimbursement program is subject to Internal Revenue Service (IRS) requirements. There are no flat reimbursement rates. All items claimed are to be for the actual amount of the expense, up to the maximum rates allowed for all State officers, employees, and agents of the State traveling on official State business.

Who can file a claim?

All Department of Consumer Affairs (DCA/Department) employees and any agent of the State (listed below) may request a travel advance and/or travel reimbursement using the appropriate Department forms and the CalATERS Global System. Certain restrictions may apply (see reference-related section for specific requirements).

Statutory Board Members are individuals appointed to serve on boards or commissions established by law. Members are appointed by the Governor, Legislature, or Department Head. Reimbursement for necessary travel expenses is based on the rates for nonrepresented employees.

Nonstatutory Board Members are individuals appointed to serve on boards, commissions, committees, or task forces that are created by agency secretaries, department directors, executive officers, or board members on an as-needed basis to fulfill the Department’s mission. Reimbursement for necessary travel expenses is based on the rates for nonrepresented employees.

Proctors are intermittent hires through the State Personnel Board. Proctors administer written or physical agility exams for civil service classification. Reimbursement for necessary travel expenses is based on the rates for nonrepresented employees.

Volunteers are individuals who voluntarily perform services for the State without pay. The volunteer must sign an Oath of Allegiance, which is kept on file at the Department with the Volunteer Service Agreement. Volunteers will be reimbursed for necessary travel expenses at the rate negotiated for State employees performing comparable duties.

Terms

Short-Term Travel: Expenses incurred at least 50 miles (one-way) from headquarters and/or residence when applicable, and is less than 31 consecutive days.

Long-Term Travel: Travel that is in excess of 30 consecutive days becomes long-term travel. Specific reimbursement rates and reporting requirements apply; contact your Travel Liaison.

Per Diem Expenses: Meals, lodging, and all appropriate incidental expenses incurred may be claimed when conducting State business while on travel status.

Transportation Expenses: Various modes of transportation used while on official State business; for example, airfare, vehicle, taxi, and shuttle expenses.

Business Expenses: Charges necessary to the completion of official State business, such as business phone calls, emergency clothing, and emergency supplies. All purchases shall be justified, and if the total business expense is more than \$25, the claim must be approved by the DCA Accounting Administrator II.

Conference or Convention: A meeting with a formal agenda of persons to discuss or consult on specific work-related subjects with the purpose of exchanging views, providing lectures or dialogue, or providing or gaining skills and/or information for the good of the State. Requires an approved conference attendance request prior to attending and must be attached to the [Travel Expense Claim \(TEC\)](#).

Non-State Sponsored Conference: Planned, arranged, and funded by an outside entity.

State-Sponsored Conference: Planned, arranged, and funded by State agencies for the benefit of the State and/or outside parties for the purpose of conducting State business.

Policies

Official Established Headquarters: Shall be designated for each State officer and employee and defined as the place where the officer or employee spends the largest portion of their regular workdays or working time, or the place to which they return upon completion of special assignments. In some instances, however, it may be in the best interest of the Department to designate either an employee's residence address or an assigned geographic area as his/her headquarters. Home-as-headquarters and geographic area designations will be based upon a determination of "economic merit" for geographic and logistical circumstances where the State benefits from such a determination, either in increased efficiencies or reduced costs.

Signature Authority: The signature of the approving officer certifies that the traveler is authorized to travel, the expenses incurred were to conduct official State business, and that the items claimed are appropriate and keeping within the rules that govern State business travel. Typically, the approving officer would be the traveling employee's immediate supervisor.

The Deputy Director of Board Relations approves Board Presidents' [TECs](#). Once they have been reviewed and initialed by the Executive Officer, the Board President shall approve the Executive Officers' and the Board Members' travel claims. In the absence of the Board President, the Board Vice President shall approve the Executive Officers' and the Board Members' travel claims.

The Deputy Director of the Office of Administrative Services approves Bureau and Board Presidents', Bureau Chiefs', Division Chiefs', and Deputy Directors' travel advances, expense claims, conference requests, and authorized signature forms. Also approves for all exception-to-travel status for board and bureau and Travel Advance Requests for nonsalaried employees. In the absence of the Board President, the Board Vice President shall approve the Executive Officers' and the Board Members' travel claims.

In the extended absence of either the Deputy Director of Board Relations or the Deputy Director of the Office of Administrative Services, either can approve the above for boards and bureaus.

All approving officers must have a signature card on file with the Accounting Office before approving a claim.

Note: See DCA policy, form, and procedures posted on the [DCA Intranet](#) regarding authorized signatures.

CHAPTER 2 PER DIEM ALLOWANCES

Introduction

The State provides for reimbursement of actual and necessary out-of-pocket expenses while traveling on State business. When determining the appropriate amount of reimbursement allowed for meals, lodging, and incidentals, two criteria need to be considered: distance and time. Employees on travel status must be at least 50 miles from home/headquarters. The most direct route determines this distance.

For short-term travel status per diem (meals, lodging, and incidentals), several factors need to be considered, such as:

- The bargaining unit of the employee (represented or excluded).
- Geographical location of travel must be at least 50 miles (one-way) from where the trip begins at headquarters and/or home. Factors include: Which is the closest distance? Is travel during normal working hours or not? Is it a second worksite?
- The timeframe in which the trip started and stopped.
- The type and location of facilities used for lodging.

Lodging Rates

Short-term reimbursement rates for lodging expenses are as follows. Please review your Bargaining Unit Contract on [California Department of Human Resources \(CalHR\)](#) website for current rates.

Excluded/exempt employees and represented employees in Bargaining Units (BU) 1–21: Please review your existing Memorandum of Understanding (MOU) for current rates.

Lodging Reimbursement	Up to the Maximum Rate
Statewide (except for those listed below)	\$90 room rate plus taxes
Napa, Riverside, Sacramento Counties	\$95 room rate plus taxes
Los Angeles, Orange, Ventura Counties and Edwards Air Force Base	\$120 room rate plus taxes
Alameda, Monterey, San Diego, San Mateo, and Santa Clara Counties	\$125 room rate plus taxes
San Francisco County and City of Santa Monica	\$150 room rate plus tax

Hotel Tax Waiver

The [Hotel/Motel Transient Occupancy Tax Waiver, Form 236 \(New 9-91\)](#), is available on the [DCA Intranet](#) Travel Home Page and should be used whenever possible. This form must be completed in advance and given to the hotel for its records. In most cases, employees must ask for the exemption at time of reservation. Some hotels will not honor the tax waiver.

Acceptable Receipts

Lodging receipt must indicate the establishment's name, address, and check-in/check-out dates and times, number of occupancy, room rate, taxes, and method of payment.

In the rare event where an employee chooses to use a third-party vendor (such as Priceline.com, Expedia.com, Travelocity.com, Hotels.com, etc.) to make travel arrangements, the following instructions must be strictly adhered to:

- Employees who request reimbursement for receipts from third-party vendors for lodging expenses related to a State-approved relocation or for lodging expenses incurred while traveling on State business, must provide a valid receipt from the third-party vendor and the commercial lodging establishment where the employee stayed.

Both receipts are required in order to properly substantiate a valid business expense.

Sharing a Room

When sharing a room with another State employee, each person can claim half the room rate or one employee can claim the entire amount and reference the other person in the comment section. Both employees should file their travel expense claims ([TECs](#)) at the same time and a copy of the other's claim should be attached to their own.

Meal Rates

There are no flat reimbursement rates. All items claimed are to be for the ACTUAL AMOUNT OF EXPENSE, up to the following maximum reimbursement amounts listed below. The employee (or agent of the State) shall not claim reimbursement for any meals provided by or included in the cost of the hotel stay, airfare, and conference or convention registration fee and/or provided by the terms stated in a State contract. Please review your Bargaining Unit Contract on [California Department of Human Resources \(CalHR\)](#) website for current rates.

Excluded/exempt employees and represented employees in Bargaining Units (BU) 1–21, please review your existing MOU for current rates (see following table).

Expense	Maximum Reimbursement	Expense	Maximum Reimbursement
Breakfast	\$7	Dinner	\$23
Lunch	\$11	Incidental	\$5

Less Than 24 Hours

The following table shows conditions under which a represented or nonrepresented employee may be reimbursed for meals while on travel status, if the trip is less than 24 hours:

Starts Trip on OR Before	Returns from Trip on OR After	Entitled To
6 a.m.	9 a.m.	Breakfast
4 p.m.	7 p.m.	Dinner

NOTE: Board and committee members are entitled to meals, including lunch, on a one-day trip only when attending official scheduled board or committee meetings. These meal expenses are excused from the travel status mileage requirement, but all time requirements are applicable; for example, start trip at or before 11 a.m. and end at or after 2 p.m. to claim lunch. In addition, meals on trips of less than 24 hours will be reported as a taxable fringe benefit as required by the Internal Revenue Service (IRS).

More Than 24 Hours

If a trip is more than 24 hours but less than 31 consecutive days, a represented or nonrepresented employee is entitled to breakfast, lunch, and dinner for every full 24-hour period of time while on travel status. The following table shows the meal entitlements for the last fractional period of time:

Starts Trip on OR Before	Returns from Trip on OR After	Entitled To
6 a.m.	8 a.m.	Breakfast
11 a.m.	2 p.m.	Lunch
5 p.m.	7 p.m.	Dinner

Incidentals

Incidental reimbursement is allowed for every full 24 hours of travel up to the maximum amount allowed per Bargaining Unit Contract for actual necessary expenses. Incidentals include expenses for fees and tips for services such as porters, baggage carriers, and hotel staff. No other items may be claimed as an incidental. Department of Human Resources CalHR PML 2015-003 and Internal Revenue Service (IRS) in IRS Publication 463.

Business-Related Meals

In rare instances, the cost of business-related meal expenses may be allowed. It must be clearly shown that it was impractical to conduct the State's business during working hours and that the meal took place in conditions beyond the employee's control. Justification should be provided on the [TEC](#). The statement must include the purpose or goal of each business-related meal and the unusual conditions that justify payment. The employee may claim expenses not to exceed the breakfast, lunch, or dinner allowance, whichever meal was consumed. The amount must be supported by a voucher or receipt for represented employees. Claims must include the establishment, the persons in attendance, and the business conducted during the meal period. No reimbursement is allowed for the meal if the employee claims per diem for that day.

Allowable meals may include: Participants from different cities hold a luncheon to allow one or more of them to make connections on a scheduled flight; an employee is required to go to lunch as a member of a group, such as a board or commission where official business is conducted; the meeting does not adjourn during the lunch and the employee has no choice of place to eat.

Non-allowable meals include: Two or more employees go to lunch together and continue their business as an incidental to the meal; the meal is strictly for public relations purposes; departments call meetings with their own and/or other department employees to conduct State business; the meeting could have taken place during regular working hours.

Receipts

Although the Department of Consumer Affairs (DCA) does not require receipts for most meals or incidentals (except as noted above), the traveler must retain all their meal and incidental receipts for IRS purposes.

Overtime Meals and Rates

Overtime meal reimbursement is allowed when the employee works two excess hours either consecutive or contiguous to regular scheduled work hours. Rates and terms are defined by each bargaining unit contract as stated below. In determining the overtime hours worked for meal compensation, do not include any breaks for meals. Only one meal allowance may be claimed each day unless the employee has worked a minimum of 16 hours. For every six additional hours worked in excess of ten hours, another meal allowance may be claimed, not to exceed three overtime meals within 24 hours.

Bargaining Unit	Rate	Consecutive*	Contiguous*
7 & 10	\$7.50	X	
1, 4, 11 & 14	\$8.00		X
2, 9, 12, 16 & 19	\$8.00	X	
Excluded & 21 (exempt FLSA)	\$8.00	X	

Definitions

Consecutive: Works either two hours before or two hours after normal work hours on a regular scheduled workday; works two hours in excess of normal work hours on weekends, holidays, or regular scheduled day off (RDO).

Contiguous: Works two or more hours in excess of the number of hours worked on regular scheduled workday.

Excluded: Work Week Group Exempt (WWGE) and Represented Employees Exempt from Fair Labor Standards Act (FLSA) are only entitled to overtime meals for extended arduous work.

Arduous Work OT Meal*

Meals for Extended Arduous Work: On those rare occasions when an employee who is in a Work Week Group other than Work Week Group 2 would be required to physically or mentally work ten hours or more (not including any breaks for meals) for an extended period of time. The employee, with approval of the appointing authority, may claim the actual cost of an arduous work meal up to \$8. Such meals should only be approved when it is clear that the work schedule is consistently in excess of a normal full-time schedule. Occasional extra hours worked, consistent with the nature of other than a Work Week Group 2 schedule, do not meet the criteria for Extended Arduous Work Meals.

Excess Lodging Policy and Procedure

Request for reimbursement of lodging expenses in excess of the State-specified rates, excluding taxes, must be received ten days prior to the trip. Approval is required from the DCA Accounting Administrator II if less than \$150 and the CalHR if more than \$150. The [Excess Lodging Rate Request \(STD 255C\)](#) form located on [DCA Intranet](#) should be completed and contain the following:

- A list of at least three hotels contacted using the [Concur CalTravel Store](#) website to obtain State rate lodging. Contact additional hotels if no State rate hotels are found within the work area.
- Supporting documentation that a reasonable effort was made to locate lodging at State-specified rates. Using only higher-rate hotels in the documentation cannot be considered reasonable efforts.
- Explain any applicable reasons for the State business need for an exception to the State's standard lodging rate.
- Obtain all required signatures and submit the request to the DCA Travel Unit at least ten working days prior to the trip, when possible.
- Employees who incur expenses in excess of standard reimbursement will be responsible for the difference if the excess lodging request is denied.
- Attach agendas for any approved conference or convention that would assist in the travel justification.

Reasonable Accommodation

Reasonable Accommodation can be obtained with supporting documentation through DCA Human Resources Health & Safety Unit when travel requirements are a hardship to the employee for medical reasons. Please obtain the Reasonable Accommodation approval prior to the trip.

Exception to Travel Status Policy

It is the policy of the DCA to adhere to the rules and regulations as defined by the CalHR regarding the approval of requests for reimbursement within 50 miles of the employee's home or headquarters when conducting official State business. Extreme acts of God and nature that place the employee in harm's way are automatic and will be approved after the fact, when fully documented ([SAM section 0715 CALHR PML 93-28](#)).

Note: All exceptions to travel status reimbursements will be reported as a taxable fringe benefit as required by the IRS.

Exception Authority, Limits and Criteria

The CalHR delegated the exception to travel status authority to the Director of DCA, who delegated the authority to the Deputy Director. There is no other allowable signature authority for this delegation. This delegation is extended with the provision that it will be administered according to the criteria, considerations, and record-keeping requirements as stated below. All exceptions are subject to audit by CalHR. Exceptions are to be granted in advance of the occurrence by the appointing power.

This delegation does not extend to the approval of meals or lodging at either the home or headquarters location. There is no allowance for any increase in the standard short-term travel reimbursement rates for meals and lodging or partial exceptions, such as lodging allowance without meals. When exceptions meet all the requirements and are granted by the Deputy Director, the employee is entitled to full short-term travel reimbursement rates. This exception is not to be used in lieu of overtime for one-day travel.

Exception requests will be considered under a limited number of circumstances when the employee is required to be away from his/her home and headquarters locations for more than a single day, but less than 50 miles. These include the nature of the work performed, the hours of work, or the apparent road/weather conditions make it impractical for the employee to return home or to the headquarters location at night.

The CalHR has guidelines for an exception approval criterion that includes reasonable commute mileage. State departments are expected to demonstrate that every consideration has been given to minimize the cost to the State through responsible planning and scheduling.

Exception Process

A written request must be submitted in advance of the occurrence to the Accounting Office for review and submission to the Deputy Director. The Executive Officer or the Division/Bureau/Program Chief must approve all exception requests.

Requests must contain the following information for each attendee:

- Name and classification of employee(s) requesting exception. If the time period and reason for expense are the same, submit a group request listing each employee's name, classification, the time period, and reason.

- Name and address of the location where expenses will be incurred.
- Name of the sponsor of the event.
- Reason(s) for the exception request; attempts made to reduce the costs.
- Amount of the anticipated expenses, including tax.
- For a conference or convention, with more than one attendee, explain why one employee could not achieve the goal and attach a training and development request with approval.

Provide copies of the agenda, conference/convention announcements, and map/mileage printouts. Once the exception request has been processed, a copy will be forwarded to the requesting office by the DCA Accounting Office. The requesting office must maintain a record of each request for the standard five-year record retention schedule.

CHAPTER 3 TRANSPORTATION

Introduction

The cost of transportation while on official State business should be accomplished by using the most economical means for the State, according to the [State Administrative Manual general travel policies](#). All transportation costs related to State business travel should be entered on all [travel expense claims TECs](#).

Transportation expenses consist of:

- Commercial airfares
- Private vehicle use
- Commercial rental car use
- Gasoline for State or rental cars
- Taxis, shuttles, or streetcar fares
- Parking of State, rental, or privately owned vehicles
- Bridge and road tolls
- Emergency repairs (State cars only)
- Commuting transit/vanpool (employee benefit) use

Supervisor's Responsibility

It is the supervisor's responsibility to ensure the method chosen for travel on State business is in the best interest of the State and not for the employee's convenience.

Determining the Most Economical Mode of Travel

When determining the most economical mode of transportation, the following costs should be considered:

- Employee's time
 - Expenses for transportation (airline, bus, train, parking, shuttle, tolls, etc.)
 - Expenses for meals, incidentals, lodging, and any other State business expense
 - Urgency of the situation
 - If the employee must carry specialized equipment
 - Number of stops and amount of equipment
 - Number of people to be transported (is it more economical?)
 - Driving time one-way (is it more than two hours?)
 - Availability of transportation to and from the destination
 - Overtime wages
-

Cost Comparison

Reimbursement will be made for the mode of transportation which is in the best interest of the State, considering direct expenses as well as the employee's time. If the employee chooses a more expensive mode of transportation, reimbursement will be for the least expensive mode of travel. Expenses incurred at the travel destination will be reimbursed based on the actual business expenses incurred while at that location. A [cost comparison](#) must:

- Be completed and attached to the [TEC](#), showing both methods of travel.
 - Include the least costly methods of travel for those expenses actually being substituted.
 - Include only the expenses of traveling from one location to another. Do not include any worksite expenses. Expenses incurred onsite are to be claimed separately.
 - An employee choosing to use a more expensive mode of transportation will only be reimbursed for the amount it would have cost for the most economical mode of travel.
 - A [cost comparison](#) showing actual cost incurred vs. the most economical mode and cost must be submitted with an employee's [TEC](#). The [cost comparison form](#) is provided in Appendix A for your convenience.
-

Example of Cost Comparison

The most common cost comparison is when the employee chooses to drive their personal vehicle vs. using normal air transportation. For example, when an employee drives (having obtained supervisor's prior approval) to Los Angeles from Sacramento, the comparison is computed from the point the employee would normally have left on travel status in Sacramento to the point of landing in Los Angeles. Please note all cost comparisons should be calculated using the current mileage rate and State rates for airfare if applicable.

Air Costs		Vehicle Costs	
Ticket roundtrip	\$216.00	Mileage: City-to-city round-trip:	
Mileage to/from airport		720 miles x 57.5 cents per mile = \$414	
30 miles x 57.5 cents per mile	= \$ 17.25		
Parking	<u>\$ 10.00</u>		
Total	\$243.25		

Reimbursement

The least expensive method of transportation will be reimbursed on the [TEC](#).

The time requirement for meals and lodging would be allowed for the time the employee would have left and returned had they flown. Additional meal and lodging expenses incurred as a result of using an alternative method of transportation is at the employee's own expense.

Exception

An exception to the least-expensive requirement would be if an employee has a reasonable accommodation approval through the Department of Consumer Affairs (DCA/Department) Health and Safety Office, which prevents the employee from specific modes of travel, such as air travel.

Request guidance from the Accounting Office Travel Unit (calaters@dca.ca.gov) when special circumstances arise prior to commencing the trip.

Direct and Indirect Travel Arrangements

All travel arrangements for air, auto rental, and lodging for official State business must be made through the Department's approved travel agency, Concur CalTravelStore. See the [Management Memorandum](#) regarding the travel policy for all State agencies.

Air Travel

Before making airline reservations, be aware of the contract rates and where to book your flights. The State contracted rate includes airfare for origination and destination points known as city pairs for within California, out of State, and international destinations. The contract rates are unrestricted one-way fares and are not subject to limited seating.

When booking on Southwest Airlines, you should only select "Want to Get Away" and "Anytime" flights. You should never select Business Class-type flights; if selected, you will be responsible for the difference in cost.

The 2013–14 contract fares are with Alaska Airlines, Delta Air Lines, JetBlue, United Airlines, and Virgin America, and 2014–15 for Southwest Airlines. You must purchase your airline tickets through the CalTravelStore, the certified State travel agency, using your Department’s centralized American Express Business Travel Account (BTA). The CalTravelStore website contains the online booking tool Concur Travel (formerly Cliqbook), the online booking tool for all airline travel.

All travel arrangements for official State business must be made through the Department’s approved travel agency, CalTravelStore (www.caltravelstore.com).

Current Airfare Contract: www.travel.dgs.ca.gov

DGS Air Travel Services: **Air Travel Information**
www.dgs.ca.gov/travel/Programs/Airfare.aspx

State Administrative Manual (SAM) section 741: **Air Travel**
www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/741.pdf

SAM section 8422.115: **Airline Itinerary Requirements**
www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/741.pdf

California Department of Human Resources (CalHR) Policy: **Method of Travel**
www.calhr.ca.gov/employees/Pages/travel-method.aspx

Airport Parking

Employees parking at the airport must use the most economical parking available. However, if the board, bureau, or division determines that additional parking costs above the lowest-cost option are in the best interest of the State, a justification explaining the necessity for the additional cost shall be submitted with the employee’s [TEC](#). Without a receipt, reimbursement is limited to \$10. Please note: [TECs submitted without the required justification may be cut by the State Controller’s Office \(CalHR PML 2007-024\)](#).

Agencies/departments may consider the following items when determining if additional parking costs are in the best interest of the State:

- The direct expense; and
- The officer’s or employee’s time.

Please contact your Department’s Travel Liaison to initiate the start of your CalTravelStore profile. You must complete your registration before booking your travel.

Please use the links below for training and more information:

For security reasons, every traveler will need to contact their board or bureau Travel Liaison to initiate their CalTravelStore profile. Your user ID is your Department e-mail address. You must use your Department e-mail address as your user ID to have access to our Department’s company ID. This e-mail address will be your user ID for future access to the reservation system. After you receive your temporary password, you can complete your profile and book your trips. In addition, you’ll need to change the temporary password to ensure your account is secure. Once you’ve established a user ID

and password, the system will request that you complete the profile. After you've completed the profile, you must save the information before you attempt to book a trip. The CalTravelStore has a travel reservation guide and video to help; they are provided on the website and link below.

After the initial profile setup, you'll access the reservation system at www.caltravelstore.com. Click on "Concur Login" to complete your profile.

[Concur Travel demonstration](#) (video) and [Concur Interactive Training](#).

Concur Travel FAQs:

www.caltravelstore.com/pages/concur-travel-faqs

Non-Employee Reservations

You can make reservations for non-State employees conducting State business for your program, such as subject matter experts, volunteers, witnesses, or contractors, and receive State rates when using the DCA State-contracted travel service agency. One-time travelers should be booked as a guest traveler; no profile should or needs to be established.

Frequent Flyer Programs

Employees who earn travel premiums (frequent flier miles/points) while on official State business may now use these travel premiums for their personal use. The value of these premiums will not be reimbursed to the employee if used for State business.

See Personnel Management Liaisons (PML) Memorandum 2005–051

www.calhr.ca.gov/PML%20Library/PML2005051.pdf

Receipts

Airline itinerary or passenger receipts should include the traveler's name, dates and times of travel, destination, and amount of airfare. This document must be submitted with the employee's [TEC](#). The cost should always be entered on the claim as "Commercial Airfare," and "Department Paid" should be selected for payment type.

Privately Owned Aircraft Usage

SAM 0743 and 0746

www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/743.pdf

www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/746.pdf

Travel on official State business may be by privately owned/rented/leased aircraft whenever this is the least costly means or is in the best interest of the State.

Employees must first obtain supervisor and agency approval. Employee pilots shall certify at least yearly to their employing agency that they have the required liability insurance during the period of official travel. These required limits are shown on [STD 265](#). Use [STD 265](#) for certification and insurance:

http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/746.pdf.

In all cases, the aircraft must be certified in accordance with Federal Aviation Administration regulations and properly equipped for the type of flying to be performed.

State employees who pilot aircraft on official State business must meet the requirements of [CalHR Rule 599.628](#) and [SAM 0747](#).

Reimbursement: **SAM 0744**

www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/744.pdf

The reimbursement rate for employee privately owned aircraft is 50 cents per statute mile. Mileage is computed on the shortest air route from origin to destination, using airways whenever possible. Enter "Air Miles" and mileage on the [TEC](#). For expenses other than mileage, substantiate the expense with a voucher. Landing and parking fees are paid except at the site where the aircraft is normally stored.

State-Owned, Privately Owned, and Commercially Owned Rental Vehicle Use

Agencies determine who will drive on official State business and the vehicle type to be used: State-owned, privately owned, or commercially owned vehicles. The definition of "use of a State vehicle in the conduct of State business" includes the use of State vehicles "when driven in the performance of, or necessary to, or in the course of, the duties of State employment and shall include the operation of State-owned or leased vehicles as commute vehicles in a carpool or vanpool program authorized by a State agency." ([SAM 0750 Vehicle Use](#))

State vehicles may be authorized when two or more employees are traveling together; the trip includes intermediate stops not feasible for public transportation; the schedule of public carriers does not fit the itinerary; transportation is not available at the destination; or an employee must carry specialized tools, books, etc.

Privately owned vehicles may be used by employees on official State business if this is approved by the DCA. If the use is not less costly, the supervisor may authorize the use, but the payment will be for the less-costly alternative. No agency will require an employee to use their privately owned vehicle unless this is a formal condition for employment.

The following circumstances are prohibited uses of State vehicles:

- Using the State vehicle for anything other than conducting State business.
- Carrying in the vehicle non-Departmental employees, friends, or family members.
- Using the vehicle for private or recreational use.

Commercially owned rental vehicles may be rented when a State vehicle is not available and automobile travel is essential. The employee must return the rental car at the end of each work week State business is concluded. Refer to the [Department of General Services \(DGS\) website](#) to view the rental car contract and ensure adherence to State policy. (See Appendix.)

Commercial Rental Cars

Transportation Services: SAM Section 4100

<http://sam.dgs.ca.gov/TOC/4100.aspx>

CalHR Policies for Method of Travel

www.calhr.ca.gov/employees/Pages/travel-method.aspx

DGS Fleet Handbook (Page 5)

www.documents.dgs.ca.gov/ofa/handbook.pdf

DGS Rental Car Policies and Procedures

www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx

The State contract vendor for rental vehicles is Enterprise Rent a Car. The current contract is effective January 2015, per DGS Travel Bulletin 15-01. Click on www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx for more information.

Commercial Car Rental Car Rates as of January 2015: www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx for more information.

The rental of alternative fuel vehicles is encouraged and their rental rate should be the same.

For the complete rental car contract, click on www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx.

Car Rental Reservation Information

Rental Car reservation must be made on [Concur CalTravelStore \(www.caltravelstore.com\)](http://www.caltravelstore.com).

In order to receive the contract rate, employees are required to provide a current driver license and a second form of ID to ensure a smooth delivery of service when renting a vehicle. Acceptable second forms of ID can be an employee issued identification badge, a business card, a copy of a travel itinerary booked through CALtravelstore or Concur (the online reservation tool), or an authorization letter on Department letterhead. Reservations are required to be made in advance on Concur.

Employees must NOT:

- Extend rental agreements for personal business and pay the difference. When extending business trips for personal reasons, the employee must stop the State rental agreement and initiate a new personal rental agreement. See more information regarding personal use on page XX.
- Agree to purchase insurance. Insurance is included in the State contracted rates.
- Agree to purchase the fuel service option or prepaid fuel (i.e., a flat refueling rate).
- Agree to purchase higher rate, non-economy cars.
- Carry unauthorized, non-State employees in a rental or State vehicle. If travel plans change, please cancel the reservation.

Insurance

The State contract includes insurance and employees should not accept additional insurance. Employees using a noncontracted vendor may not have insurance included in their rental rate. The employee will be personally responsible for the insurance costs when choosing to use a noncontracted vendor.

In the event an at-fault accident occurs when renting a noncontract vehicle, the employee and the Department may be legally responsible for all damages sustained by others as well as property damage to the rental vehicle. More information on SAM Insurance and Surety Bonds is available at <http://sam.dgs.ca.gov/TOC/2400.aspx>.

Receipts

DCA policy requires the final rental car receipt be attached to the expense reimbursement claim (STD 262 or CalATERS), whether charged to the Department or paid by the employee. The receipt must indicate the amount charged and payment method. Precalculations or reservation agreements are not acceptable. ([SAM section 8422.115](#), <http://sam.dgs.ca.gov/TOC.aspx>)

Forms of Payment

The contract requires use of either the Corporate Rental Business Traveler Account (CRBTA) or the travelers Corporate American Express card. Use of cash or the traveler's personal credit card will not guarantee the State contract rate or the State's insurance coverage.

The following "exceptions" will required State departments to submit to the State Controller's Office (SCO) a [Short-Term Vehicle Justification Form](#) , signed by the employee's supervisor:

- Renting a vehicle larger than the intermediate size
- Renting a vehicle from a noncontracted vendor
- Needing physical or medical accommodations
- Refueling charges incurred at rental branches

All employees are required to refuel the rental car vehicle. When refueling the rental car, the employee must submit a detailed gasoline receipt for reimbursement. Gasoline receipts must show the date of purchase, method of payment, and an expense breakdown: number of gallons, price per gallon, and extended total purchased amount. Prepaid fuel receipts are not acceptable for reimbursement.

The SCO approval form should be attached to the invoice and travel expense claim associated with the justification. State departments are no longer required to receive approval from the DGS Statewide Travel Program. The Short-Term Vehicle Justification Form is available at www.dgs.ca.gov.

Rates include unlimited mileage and are not subject to blackout dates. Contracted vehicle rates information is available at www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx. The Maximum Cap Rate (MCR) includes the base rate, all fees, all charges, in addition to airport fees, vehicle license fees and, State, city and county, or local surcharges that apply to the commercial car rental industry as a whole and identified by airport. Sales tax and refueling charges are not included in the contract rate.

Short-Term Commercial Car Rental Cost Table
Base Rate with \$250,000 Insurance for Short-Term Rentals
(Effective January 1, 2015)

Vehicle Class Type	Daily	Weekly	Max Cap Daily
Compact Nissan Versa, Toyota Yaris	\$31.93	\$127.72	\$48.95
Mid-Size/Intermediate Toyota Corolla, Nissan Sentra	\$31.93	\$127.72	\$48.95
Full-Size Chevy Impala, Nissan Altima	\$35.12	\$140.49	\$52.15
Alternative Fuel Vehicle Chevy HHR, Chevy Impala	\$35.12	\$140.49	\$52.15
FWD/Sport Utility Vehicle Ford Escape, Jeep Liberty	\$53.22	\$239.47	\$79.82
Minivan Chrysler Town and Country, Dodge Grand Caravan	\$53.22	\$239.47	\$79.82
Pick-Up Trucks Chevy Silverado, Ford F150	\$69.18	\$319.29	\$95.79
Zero Emission Vehicle Nissan Leaf, Chevy Volt	\$41.49	\$248.96	\$62.67

Private Vehicle Authorization and Use

The SAM requires that before any employee (including a board member) uses a privately owned vehicle to conduct State business, that employee must obtain authorization in writing from his or her supervisor and certify that the vehicle will be operated in compliance with [SAM section 0753](#).

An Authorization to Use Privately Owned Vehicle form ([STD 261](#)) should be completed and on file with the immediate supervisor. The [STD 261](#) form must be updated and re-signed annually.

Employees should be aware that the insurance maintained by the State is for the liability above the amount of the employees' policies. All employees driving on State business must carry evidence of liability insurance coverage. Mileage rates paid to employees include an amount that reimburses employees for maintaining minimum insurance coverage.

Mileage Rate Reimbursement

The following table shows the mileage reimbursement rates for privately owned vehicles:

7/1/2011–12/31/2012	55.5 cents per mile
1/1/2013–12/31/2013	56.5 cents per mile
1/1/2014–12/31/2014	56 cents per mile
1/1/2015–Current	57.5 cents per mile

Alternate Worksite Mileage

When an employee's regular work assignment requires reporting to a second location other than headquarters (e.g., a training site), mileage reimbursement is limited to the actual mileage incurred less their normal commute distance.

Airport Dropoff

When an employee is driven to a common carrier and no parking expenses are incurred during the employee's absence, they may claim mileage reimbursement at double the number of miles from headquarters or residence, whichever is less, while the employee actually rides in the vehicle.

If travel commences or terminates one hour before or after normal work hours, or on a regularly scheduled day off, mileage may be computed from the residence.

Minimal parking expenses for pickup will be allowed, with justification and/or notation on the [TEC](#).

Motor Vehicle Accident Reporting

All accidents involving a State-owned vehicle, or any vehicle being used on State business ([SAM section 0757](#)), must be reported. Report all accidents immediately to your manager and to the DCA Business Services Office. Accidents must be reported within 48 hours to the Office of Risk and Insurance Management on a [STD 270](#) form: <http://www.documents.dgs.ca.gov/ofa/CallCenter/DGSFleetFactsPamphlet.pdf>. State reporting requirements are in addition to a regular police report as required by law.

Accident reimbursement claims require special approval and processing. Therefore, contact the DCA Travel Unit for guidance.

Overtime and Callback Mileage

Callback or scheduled overtime mileage incurred on a normal day off, from your home to established headquarters, is reimbursable and the reimbursement is a reportable fringe benefit.

State Vehicle Emergency Repairs

Emergency State vehicle repairs can be reimbursed on a [TEC](#) with the appropriate receipt and written justification or explanation of the event. Repairs require Fleet Administration approval. For non-emergency car repairs, the employee should have the vendor bill the program directly.

Taxis and Shuttles

Taxis and shuttles should be used for trips within a reasonable distance (ten to 15 miles). Reimbursement can be made on a [TEC](#) for the actual cost of the expense with a receipt, or for no more than \$10 without a receipt. General Service charge cards are accepted for taxis and shuttle services within the Sacramento and Fresno areas. Tips or gratuities to drivers are not reimbursable since they are included in the incidental allowance. However, tips or gratuities for exceptional services, such as loading/unloading substantial luggage or multiple exam material, is allowable with written justification and receipt.

Parking and tolls in excess of \$10 require a receipt and may be paid for:

- Day parking when the trip is away from the headquarters office and residence.
- Overnight public parking when the traveler is on travel status.
- Callback or scheduled overtime on a normal day off.

Commuting Transit and Vanpool

Employees who commute to and from work via public transportation or qualifying vanpools may be eligible for up to a 75-percent discount on public transit passes up to a maximum reimbursement of \$65 per month. Reimbursement is based on actual cost supported by a receipt or proof of purchase. Visit www.calhr.ca.gov/employees/Pages/miscellaneous-programs.aspx for more information.

Part-time employees' reimbursement may be prorated to correspond to their appropriate work schedule. Daily passes may be utilized for part-time employee reimbursement.

The State will pay \$100 per month to the primary driver of a qualifying vanpool consisting of seven to 15 people in lieu of the vanpool/transit rider incentive. A qualifying vanpool must meet both Internal Revenue Service (IRS) section 132 and CalHR 599.936 criteria: www.calhr.ca.gov/employees/Pages/miscellaneous-programs.aspx.

CHAPTER 4 BUSINESS EXPENSES AND RECEIPTS

Business Expenses

Business expenses are costs that are necessary for the completion of State business. Examples:

- Phone calls more than \$1 or calls totaling more than \$5. The Department of Consumer Affairs (DCA/Department) phone log can be used for logging calls when there is no official receipt provided (see "Justification for Reimbursement for Telephone Charges" in the Appendix).
- Approved training request for all out-service courses and in-State conferences and conventions. Reimbursement for training classes will be processed after completion of the training class.
- When physical examinations are required for pre-employment or as a condition of employment, the State will provide or pay for them. The applicant must pay for any services beyond the approved level for such services. For information on the current rate, see [SAM section 0191](#): www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap100/191.pdf.
- Excessive porter or baggage handling, such as for several boxes of exam materials, will be reimbursed with a receipt and justification.

- Professional licenses in occupational fields that may be required by the functions of a specific position, or is beneficial to the performance of an employee’s duties, for actual cost of the application or renewal fee.
- Each department, commission, board, or agency may reimburse an employee for up to the maximum allowed per BU Contract for membership dues in job-related professional societies or associations of the employee’s choice or for a job-related professional license fee, in recognition of the professional nature of employees. Both parties agree and understand that a different amount of reimbursement, if any, may be provided to employees in the same or similar situation.
- State Bar Dues – [CalHR Rule 599.921](#)
 - Employee designation: Manager, supervisor, confidential, and excluded.
 - References: [CalHR Rule 599.921](#)

Upon certification by the appointing power that the actual practice of law is required for the performance of duties of a specific position, employees shall be reimbursed for up to \$390 of the State Bar membership fee of \$410 for the cost of annual membership fees and specialty fees of the State Bar Association.
 - The State does not pay:
 - The \$10 portion that funds the State Bar’s lobbying efforts or communications with voluntary bar associations.
 - Optional donations to the Conference of Delegates of California Bar Associations, Foundation of the State Bar, or the California Supreme Court Historical Society.
 - Penalties resulting from late payment of dues, unless the State is responsible for the late payment.

Valid Receipts

A valid receipt consists of the establishment’s name, address, itemized expenses, including the total amount due and method of payment. When submitting a travel expense claim ([TEC](#)), the claimant is required to include original, itemized receipts for all State business expenses, unless specifically noted and accepted in another section of this *Travel Guide*.

Reimbursement requires proof of payment by the employee. If the receipt does not show the employee paid for the expense, attach other viable information such as the canceled check, bank, or credit card statement. For security purposes, blacken out all nonrelated charges and only retain the employee’s name, bank name, and the specific charge you are claiming.

Required Receipts

Receipts shall be submitted for every item of expense of \$1 or more, except as noted in this chapter.

DCA policy is for all receipts to be attached to the [TEC](#), whether paid directly (to the vendor or establishment) by the State or paid by the employee. Examples are airline itineraries, final rental car expense receipts, etc.

Not Required

The employee must retain copies of all receipts, including those original receipts not required for reimbursement by the Department, for Internal Revenue Service (IRS) purposes.

Receipts are NOT required for reimbursement of actual expenses as a result of conducting State business for the following expenses:

- Per diem meals and incidentals
- Overtime meals
- Up to the published railroad and bus fares of less than \$10 when travel is within the State
- Street car, ferry fares, bridge and road tolls, local rapid transit system, taxi shuttle or hotel bus fares, and parking fees of \$10 or less for each continuous period of parking or each separate transportation expense

Lost Receipts

In the absence of a receipt, reimbursement will be limited to the nonreceipted amount or the published expense, when lower than the nonreceipted amount.

Odd-Size Receipts

If receipts are small, tape them to an 8 ½-inch x 11-inch sheet of paper so they will be the same size as the travel claim. More than one receipt can be on a sheet of paper as long as they do not overlap. Do not tape the receipts to both sides of the paper.

CHAPTER 5 REPORTABLE TAX ITEMS

Introduction

Various reimbursements of State business expenses and fringe benefits are subject to Federal and State income taxes and applicable Social Security and Medicare taxes. The Department of Consumer Affairs (DCA/Department) is required to report qualifying business expense reimbursements as income to the State Controller's Office each month.

Note: It is the State and Department's policy to adhere to all Internal Revenue Service (IRS) reporting requirements.

Reportable Items

The following items are the most common reportable employer-provided benefits:

- Overtime meals
- Callback mileage, including overtime mileage
- Meals on a one-day trip where there is no sleep period
- Department-approved exceptions to the 50 miles travel status radius rule
- Long-term assignments that exceed 30 consecutive days at one location for a period of more than one year. Contact the DCA Travel Unit for details when appropriate
- The personal use of State vehicles for commute miles
- Personal use of a State-provided electronic device
- Travel advances that are not cleared within 30 days of the travel date
- Relocation: Contact the DCA Travel Unit (calaters@dca.ca.gov) for details when appropriate

Note: Any nonreceipted expense, such as meals and incidentals, becomes reportable *if* the IRS conducts an audit and finds no receipts in the employee's file.

Reportable Withholdings

Below is a grid showing the percentages of taxes withheld from each agency, along with an example of the withholdings based on a \$66 reporting item. The actual total amount withheld from the \$66 item is \$26.58 for a represented employee. This amount would be deducted from the employee's next available pay warrant.

W-2s

Type of Tax	Withholding Rate	Monthly Value	Actual Withholding
Federal	25.0%	\$66	\$16.50
State	6.6%	\$66	\$4.36
*SSI	6.2%	\$66	\$4.10
Medicare	1.45%	\$66	.96
**SDI	1.0%	\$66	.66

*Supplemental Security Income: Not applicable to Safety or Peace Officer Retirement.

**State Disability Insurance: Applicable to Service Employees International Union (SEIU)-represented employees only. Click on http://SCO.ca.gov/ppsd_ppm.html for the Payroll Procedure Manual (PPM) Long Term Travel Section N141 to see most recent rates.

The reportable reimbursements will be listed under "Other Income," or will be noted as "Included in Box 1" on the employee's W-2 form.

It is the employee's responsibility to maintain all reportable receipts with their records for IRS audit purposes.

Capturing Reportable Items

There are many ways of capturing and reporting reportable items each month. Examples:

- Overtime meals, callback mileage, and meals on a one-day trip are captured at the time of the Travel Expense Claim ([TEC](#)) audit, and reimbursement is made.
- Department-approved exemptions to the “50 miles travel status radius” rule and long-term assignments that exceed 30 consecutive days are captured at the time that paperwork is submitted for approval to the Executive Office and the reimbursement of the [TEC](#) is made.
- Reporting personal mileage and/or use of a State vehicle is the responsibility of the employee. The IRS has determined that normal commute miles to and from work in a State vehicle are to be considered personal use. Only employees whose primary responsibilities are investigative law enforcement activities while they are performing law enforcement duties fit the IRS guidelines for exemption from reporting personal use of State vehicles. However, when these employees commute to and from the office for their office days or do not perform qualifying law enforcement activities on the way to or from work, the commute is reportable. All other employees who are permanently or temporarily assigned State vehicles must report personal use and/or their normal commute use. Each employee who drives a State vehicle is required to submit a monthly Employee Certification, Personal Use of State Provided Vehicles Form, to the DCA Accounting Office by the fifth day of the following month in which the personal use was incurred. Note: This requirement applies to all employees who drive a State vehicle; it is not limited to those employees whose assigned cars are stored at home or in off-site parking.
- Reporting personal use of a State-provided electronic device is the responsibility of the employee. Each employee who uses State-provided equipment for any personal use should prepare a memo stating the type of usage and the actual or estimated cost of the usage to be reported. To avoid the reporting of this type of fringe benefit, the employee can submit a personal check with the memo to reimburse the Department for their personal use.
- All travel advances are to be temporary. Any outstanding travel advances over 90 days are considered long term and should be treated as wages or compensation; therefore, reported as taxable income.
- Reporting “relocation” taxable items varies depending on the type of expenses that occur; i.e., moving of household goods, sale of residence, etc. For actual reporting requirements, contact the DCA Accounting Office’s Travel Unit (calaters@dca.ca.gov) for details.
- Continuing Medical Education (CME) expense reimbursement is a taxable fringe benefit for part time, full time, and intermittent Bargaining Unit (BU) 16 represented employees. CME expense reimbursement has been considered a taxable fringe benefit by the IRS since the program was established by the California Department of Human Resource and BU 16 representatives. This program does not meet the criteria to be non-taxable business expenses under Internal Revenue Code (IRC) 127. All reimbursements made under this program will be issued in advance as payroll checks near the beginning of each fiscal year.”

CHAPTER 6
OUT-OF-STATE, OUT-OF-COUNTRY, AND AMENDED CLAIMS

Introduction

There are additional requirements and/or approvals when filing out-of-State, out-of-country, or amended Travel Expense Claims ([TECs](#)).

Out-of-State Travel (OST)

Before any State employee may travel out of State on official State business, specific written approval must be given by the Director, the Agency Secretary, the Department of Finance, and the Governor's Office. Click on the link below for more information about *State Administrative Manual (SAM)* section 0710: www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/710.pdf. Approval must be obtained if either one of the following conditions exist:

1. The employee is on State time.
2. The employee is representing the State in an official capacity or is acting in such a capacity that it will be perceived that he or she is representing the State.

If either of these two criteria exist, approval is necessary regardless of whether the State is paying for the employee's travel expenses. The trips are limited to the approved number of persons, days, and funds as specified for each blanket request. Expenses exceeding the blanket limits will require an approved blanket substitution request to cover the overages prior to travel. Any cost incurred prior to the blanket approval will be at the employee's own expense.

OST expenses must be submitted separately from in-State travel and note the approved blanket number on the claim. Actual lodging expense, supported by a receipt and the standard meal and incidental reimbursement, may be claimed for travel outside of California. Contact the DCA Budget (go to [DCA Intranet](#), under Office of Administrative Services) or Accounting Office (calaters@dca.ca.gov) if you do not know the blanket number or require additional information. Refer to SAM 0760–0765 at <http://sam.dgs.ca.gov/TOC/700.aspx>.

Out-of-Country Travel

Employees will be reimbursed for actual lodging expenses, supported by a receipt, and will be reimbursed for actual meal and incidental expenses subject to maximum rates in accordance with the published government rates for foreign travel for the dates of travel. Failure to furnish lodging receipts will limit reimbursement to meals only. The government rates change monthly. Click on aoprals.state.gov for current reimbursement rates.

There is no allowance for blanket substitution of funds or authority for out-of-country trips. Any expenses that exceed the individual trip authority or funds will be at the traveler's expense. Claims must be submitted separately with the (approved) individual out-of-country trip request number written on the claim. Contact the [DCA Budget Office](#) if you do not know the trip number or require additional information.

Amended Claims

When filing an amended claim, the following steps should be taken:

1. Submit a new claim.
2. Write "AMENDED CLAIM" in uppercase letters at the top of the claim.
3. Claim only the amount not submitted on the original claim.
4. Attach a copy of the original claim to the new claim.
5. Attach any required information, receipts, or justification not submitted with the original claim.
6. Obtain all required approval signatures and submit the claim to Accounting Office Travel Unit for payment.

CHAPTER 7 TRAVEL AND EVIDENCE ADVANCES

Travel Advances

Short-term advances may be issued prior to the time travel is actually performed, to employees who must travel on State business. Refer to SAM [8116](#) and 8117.

- Submit the travel advance request on CalATERS Global. In the event of non-access to CalATERS Global, please complete the [Request for Travel Advance \(AISD-008\)](#) form and send it to the DCA Accounting Office within 10 to 15 working days prior to the date of travel. Original signatures are required.
- Per the Governor's order, all departments are to keep outstanding travel advance balances (accounts receivables) to a minimum (<http://gov.ca.gov/news.php?id=16991>). Because of this order, DCA has limited travel advance amounts to lodging, meals, and airport parking that are fixed expenses in an effort to keep the outstanding receivables amount at a minimum. The employee will receive reimbursement for other expenses after the processing of their [Travel Expense Claim \(TEC\)](#).
- If the trip is canceled, the advance must be returned immediately to the Accounting Office. If the travel advance check is cashed, a personal check or cashiers must be submitted as payment.
- For employees who are not required to travel on more than one trip per month, additional advances will not be issued for future travel unless the outstanding advances have been cleared. Departments may issue additional travel advances for employees who are required to travel on multiple trips within a month. Additional advances will not be allowed if the employee does not submit a [TEC](#) or return the excess advance amount within ten days of each trip.
- All advances must be cleared by submitting a [TEC](#) within ten days after the date of travel. If the advance exceeds the expense claim, to clear the advance, the employee must submit a check with the claim, money order (payable to DCA), or cash for the difference. If the claim exceeds the advance, the employee will receive the balance due them by check within ten to 15 working days.

- Add a notation regarding the advance information in section 11 or in the Note Section on CalATERS Global of the [TEC](#). (Example: March travel advance \$200.) Do not deduct the advance amount from your claim total; the auditor will make the adjustment when the claim is processed for payment.
- Any outstanding advances of more than 15 days may be deducted from your next month's salary warrant per [SAM 8116.1](#). The DCA Accounting Office will notify the employee before this process occurs. The notification letter will allow the employee time to clear the advance balance. Failure to clear advances may preclude future advances being issued until the outstanding advances are cleared. Direct deposit will be canceled for those employees with uncleared balances to collect any advance balances not cleared within a reasonable time.
- Travel advances that are not cleared within 15 days must be reported as taxable income ([SAM 8116.3](#)) Taxes due will be withheld from the next available payroll warrant and reported as taxable income on the employee's W-2. When the advance is cleared, there is no method to refund the withheld taxes to the employee.
- Some restrictions apply to seasonal or part-time employees (including board and committee members) who may not be issued travel advances. Exception requests are granted, by approval of the Deputy Director, on a limited basis.

CHAPTER 8 FILING REQUIREMENTS

Claim Form and Correction Instructions

All Travel Expense Claims must be submitted on the [CalATERS Global](#) System. A [CalATERS Global Training Request](#) form should be completed and sent as an attachment to CalATERS@dca.ca.gov to establish a [CalATERS Global](#) User ID and temporary password. There are two types of claims that can be submitted on the [CalATERS Global](#) System.

1. **Regular Travel Expense Claim**—Only one trip per claim should be entered on a Regular Travel Expense Claim (TEC). These claims consist of per diem, lodging, and mode of transportation cost to and from destinations. Expense reimbursements are determined by the date and time the trip started/ended, therefore this information must be entered for each trip. If a traveler traveled on more than one trip, each trip must be entered on a separate claim. The claim will be returned to the traveler or travel liaison for correction if more than one trip is entered on this type of claim.
2. **Non-Travel Expense Claim**—Consists of multiple days and months, up to a full fiscal year (July 1, 2014–June 30, 2015). These claims consist of only parking, mileage, airfare, rental car/gas for rental car, business expenses, training, etc. This claim **would not include** meals, incidentals, or lodging. Please make sure when submitting this type of claim the amount is \$10 or more for budget and department cost efficiency.

The [CalATERS Global](#) TEC Transmittal should have the proper report name, index number, month and year of travel, original signature of the approver, dates, times, amounts, mode of transportation, purpose, normal work hours, etc. Original detailed receipts showing proof of payment and justifications, when necessary, are required documentation for the claim. The original [CalATERS Global](#) Travel Expense Claim and required receipts should be sent to the Accounts Payable/Travel Unit for processing.

In the event the employee is new to the Department of Consumer Affairs and does not have a [CalATERS Global](#) User ID established, a [Travel Expense Claim \(TEC\) \(std262\) Form](#) (Rev. 09/2007) can be completed to submit their first request for reimbursement of State-related travel expenses. The original and one legible copy should be submitted to the Accounts Payable/Travel Unit for processing. Keep a third copy for your records with any non-required original receipts. All [TEC \(std262\) Forms](#) should be completed in ink or typewritten. The original signature of the claimant and the approving officer are required to be completed in ink in the appropriate area of the form. For minor corrections, line-out the incorrect information and write in the corrected information. The claimant must initial all corrections. Travel claims with correction fluid or correction tape in critical areas of the form (affecting the reimbursement amount) will not be accepted. Travel claims may be returned as auditable if submitted with numerous changes or if it is difficult to read.

When to Submit Travel Expense Claims—TECs should be filed at least once a month, but not more than twice in one month. If the amount claimed for any one month does not exceed \$10, filing can be deferred until the next month's travel or until June 30, whichever comes first. Several trips may be entered on one [TEC STD 262 Form](#). Only one Regular Trip at a time can be submitted on [CalATERS Global](#). When more than one trip is being listed on the [TEC STD 262 Form](#), a blank line should be left between each trip. Trips that start at the end of one month and extend into the next month should be submitted after the trip has concluded. Although it is acceptable to put several trips on one claim, the following expenses must be submitted on a separate [TEC](#): Out of State, out of country, long-term assignment, evidence and relocation expenses. Please label the [TEC](#) header when filing reimbursement claims for other than short-term travel.

All claims for the current fiscal year must be submitted by the published year-end deadline. Do not combine fiscal years. If a trip overlaps June and July, two separate [TEC STD 262](#) or [CalATERS Global](#) claims must be completed and submitted, one for each month. However, they should be submitted together for audit purposes.

Required Information

The [TEC STD 262](#) must be completed in its entirety, including heading, dates, time, amounts, mode of transportation, purpose, normal work hours, etc., and have the claimant's and the authorized approving officer's original signatures. Itemized expenses and original receipts showing proof of payment and justifications, when necessary, are required documentation for the claim. The original [TEC STD 262](#) and required receipts should be sent to the Accounts Payable/Travel Unit for processing.

CHAPTER 9 COMPLETING A TRAVEL EXPENSE CLAIM

Introduction

The [Travel Expense Claim \(TEC\) Form, STD 262](#), requires various information, including employee information, trip information, reimbursement amounts, authorizations, and justifications be provided. This chapter provides a step-by-step description of what is required to complete a [TEC](#).

Employee Information

This information describes to whom, classification, bargaining unit, and where expenses should be charged.

Field	Enter Into Field
Claimant's Name	First name, middle initial, last name
Social Security Number or Employee Number*	13-digit position number or write "on file"
Department	Department of Consumer Affairs
Position	Civil service classification (title)
CB/ID Number	Bargaining unit number for represented employees OR Confidential, exempt, board/committee member, volunteer, or other specific title
Division or Bureau	Board, committee, program, division, or unit name
Index Number	Index/PCA number (contact the Department of Consumer Affairs [DCA] Accounting Office for assistance if you do not know your Index/PCA number)
Residence Address* (including city, state, and ZIP code)	Home address (do not use P.O. Box) <i>If confidential, contact the DCA Accounting Office for guidance.</i>
Headquarters Address (city, state, and ZIP code)	Complete headquarters (work) address
Phone Number	Office phone number (include area code)

* Refers to the Privacy Statement provided on the reverse side of the form.

Trip Information, Miscellaneous Information and Justifications, and Authorized Signatures

This section requests information regarding the when, where, and why the expenses occurred.

Field	Enter into Field
1	Normal Work Hours: Use the 24-hour clock
2	Private Vehicle License Number: Enter the license number of the private vehicle used on State business
3	Mileage Rate Claimed: Enter the rate claimed for private vehicle use
4	Month/Year: Month number (January = 1, December = 12) and four-digit year
5	Date: Day of the month (one day per line) Time: Departure and return (using the 24-hour clock)
6	Location Where Expenses Were Incurred: (A brief statement describing the purpose may be entered immediately below the last entry for each trip.)
7	Lodging: Enter actual cost of lodging, plus tax (up to the maximum reimbursement)
8	Meals: Enter actual cost of meals (up to the maximum reimbursement)

9	Incidentals: Enter actual cost of incidentals (up to the maximum reimbursement)																		
10 (A)	Transportation: Enter the cost of transportation, if paid by employee																		
10 (B)	Transportation: Enter the method of transportation, using the following codes:																		
	<table border="1"> <thead> <tr> <th>Type</th> <th>Code</th> </tr> </thead> <tbody> <tr> <td>Railway</td> <td>R</td> </tr> <tr> <td>Bus, air porter, light rail, Bay Area Rapid Transit (BART)</td> <td>B</td> </tr> <tr> <td>Commercial airline</td> <td>A</td> </tr> <tr> <td>Privately owned vehicle (motorcycles not allowed)</td> <td>PC</td> </tr> <tr> <td>Private air</td> <td>PA</td> </tr> <tr> <td>State car</td> <td>SC</td> </tr> <tr> <td>Rental car</td> <td>RC</td> </tr> <tr> <td>Taxi</td> <td>T</td> </tr> </tbody> </table>	Type	Code	Railway	R	Bus, air porter, light rail, Bay Area Rapid Transit (BART)	B	Commercial airline	A	Privately owned vehicle (motorcycles not allowed)	PC	Private air	PA	State car	SC	Rental car	RC	Taxi	T
Type	Code																		
Railway	R																		
Bus, air porter, light rail, Bay Area Rapid Transit (BART)	B																		
Commercial airline	A																		
Privately owned vehicle (motorcycles not allowed)	PC																		
Private air	PA																		
State car	SC																		
Rental car	RC																		
Taxi	T																		
10 (C)	Transportation: Enter carfare, bridge road tolls, or parking expenses																		
10 (D)	Transportation: Enter the number of miles driven with private and State vehicles, and then enter the amount due for private vehicles only																		
11	Business Expense: Enter any other expenses necessary for completion of State business, with justification as required. <u>Note:</u> Expenses more than \$25 require Office of Administrative Services authorization. The DCA Accounting Office will obtain signatures.																		
12	Total Expenses for Day: Enter the total expenses for that day																		
13	Subtotals: Enter the total expenses for each column																		
14	Purpose of Trip, Remarks, and Details: Enter the justification and miscellaneous information, such as: <input type="checkbox"/> Explanation of business expenses <input type="checkbox"/> Phone expenses, including place, party, and number called <input type="checkbox"/> Receipt justification, if needed <input type="checkbox"/> Justification for obtaining rental cars, other than a compact, or use of a noncontract vendor <input type="checkbox"/> Travel advances received																		
15	Claimant's original signature and date signed																		
16	Approving Officer's original signature and date signed																		
17	Special expense signatures are obtained by the DCA Accounting Office																		

**APPENDIX
RESOURCE MATERIALS AND FORMS**

Resource Materials

Subject	Issue Date	Expires	Number
Approval of Excess Lodging Rates	12/19/2013		California Department of Human Resources (CalHR) (Personnel Management Liaisons [PML] 2013-044) www.calhr.ca.gov/PML%20Library/2013044.pdf
FLSA Guidelines	04/16/2004		DCA DPM-PERS 02-06 http://inside.dca.ca.gov/offices/oas/hr/labor_rel.html

Travel and Relocation–Lodging Receipts	07/01/2014	www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx CalHR PML 2013-022 www.calhr.ca.gov/PML%20Library/2013026.pdf
Vanpool Incentives	10/22/2002	DPA PML 2002-069 www.dpa.ca.gov/textdocs/freepmls/PML2002069.txt
	09/27/2002	CalHR PML 2002-064 (www.dpa.ca.gov/textdocs/freepmls/PM2002064.txt)
	04/02/2002	CalHR PML 2002-021 (www.dpa.ca.gov/textdocs/freepmls/PML2002021.txt)

The list below includes memos, policies, procedures, and websites with information regarding travel reimbursement rules and regulations.

Useful Websites and Addresses

Useful Websites	Internet Addresses
<u>Department of General Services</u> ? <i>State Administrative Manual</i> ? Forms	www.dgs.ca.gov ? http://sam.dgs.ca.gov/TOC/700.aspx ? www.dgs.ca.gov/osp/Forms.aspx
<u>California Department of Human Resources</u> ? Bargaining Unit Contracts ? Personnel Management Letters (PMLs)	www.calhr.ca.gov/Pages/home.aspx www.calhr.ca.gov/Pages/home.aspx
Travel Agency	www.caltravelstore.com

List of Related Forms

The travel forms mentioned in this Travel Guide are available on the [Department of Consumer Affairs \(DCA\) Intranet](#) at <http://inside.dca.ca.gov/forms/subject.html#travel> and in this Appendix.

Form	Number	DCA Intranet and/or Internet Links
Authorization to Use Privately Owned Vehicles on State Business	STD 261	www.documents.dgs.ca.gov/dgs/fmc/pdf/std261.pdf
Cost Comparison Page	N/A	http://inside.dca.ca.gov/forms/oas/cost_comparison.pdf
Excess Lodging Rate Request/Approval	STD 255C	www.documents.dgs.ca.gov/dgs/fmc/pdf/std255C.pdf
Conference Attendance Request	N/A	http://inside.dca.ca.gov/forms/oas/conf_attend.pdf
Hotel/Motel Transient Occupancy Tax Waiver	STD 236	www.documents.dgs.ca.gov/dgs/fmc/pdf/std236.pdf
Justification for Reimbursement for Postage Charges	AISD 12	http://inside.dca.ca.gov/forms/oas/postal_charges.pdf
Justification for Reimbursement for Telephone Charges	AISD 11	http://inside.dca.ca.gov/forms/oas/phone_charges.pdf
Request for Travel Advance	AISD 008	http://inside.dca.ca.gov/forms/oas/travel_advance.pdf
Travel Advances and Travel Expenses Policy	SAM Chapter 8100	www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap8100/8116.pdf www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap8100/8116.1.pdf
Travel Expense Claim	STD 262	www.documents.dgs.ca.gov/dgs/fmc/pdf/std262.pdf