

NOVEMBER
4 & 5, 2015
BOARD MEETING

Ohlone College
Newark Center for Health
Sciences and Technology



Physical Therapy Board of California

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

THE PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

www.ptbc.ca.gov

PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

November 4, 2015 9:00 a.m.

November 5, 2015 9:00 a.m.

Ohlone College
Newark Center for Health
Sciences and Technology
39399 Cherry Street, Room NC 1100
Newark, CA 94560

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.

BOARD MEMBERS

Debra J. Alviso, PT, DPT, *President*

Katarina Eleby, *Vice President*

Jesus Dominguez, PT, Ph.D., *Member*

Daniel Drummer, PT, DPT, *Member*

Alicia K. Rabena-Amen, PT, MPT, *Member*

James E. Turner, MPA, *Member*

Carol A. Wallisch, MA, MPH, *Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*

Liz Constancio, *Manager*

Elsa Ybarra, *Manager*

Brooke Arneson, *Associate Analyst*



Physical Therapy Board of California



STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

Agenda

1. **Call to Order, [Roll Call](#) and Establishment of Quorum**
2. **Special Order of Business – November 4, 2015 9:00 a.m.**
 - (A) Hearing on Petition for Reinstatement of License – Aaron Tsuda
 - (B) Hearing on Petition for Reinstatement of License – Robert GrayAfter 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 And Decisions to be Reached in Administrative Procedure Act Proceedings
 - (B) Pursuant to Government Code section 11126(a)(1)
Appointment, Employment, Evaluation of Executive Officer
 - (C) Adjourn Closed Session
4. **Reconvene Open Session**
5. **[Review and Approval of August 19 & 20, 2015 Meeting Minutes](#) – *Brooke Arneson***
6. **Consumer and Professional Associations and Intergovernmental Relations Reports**
 - (A) Federation of State Boards of Physical Therapy (FSBPT)
 - (B) Department of Consumer Affairs (DCA) – *Executive Office*
 - (C) California Physical Therapy Association (CPTA)
7. **President's Report – *Dr. Alviso***
 - (A) [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) Application and Licensing
 - (G) Consumer Protection
 - (H) DCA Internal Audit
9. **[Legislation Report](#) – *Brooke Arneson***
 - (A) [2015/16 Legislative Session Summary](#)
 - i. AB 12 (Cooley) State Government: Administrative Regulations: Review
 - ii. AB 19 (Chang) State Government: Regulations
 - iii. AB 85 (Wilk) Open Meetings
 - iv. AB 161 (Chau) Athletic Trainers
 - v. AB 333 (Melendez) Healing Arts: Continuing Education
 - vi. AB 351 (Jones-Sawyer) Public Contracts: Small Business Participation
 - vii. AB 410 (Oberholte) Documents Submitted to Legislative Committees

- viii. AB 483 (Patterson) Healing Arts: Initial License Fees: Proration
- ix. AB 507 (Olsen) DCA: BreEZe System: Annual Report
- x. AB 611 (Dahle) Controlled Substances: Prescriptions: Reporting
- xi. AB 750 (Low) Business and Professions: Licenses
- xii. AB 1060 (Bonilla) Cancer Clinical Trials
- xiii. AB 1351 (Eggman) Deferred Entry of Judgment: Pretrial Diversion
- xiv. AB 1352 (Eggman) Deferred Entry of Judgment: Withdrawal of Plea
- xv. SB 52 (Walters) Regulatory Boards: Healing Arts
- xvi. SB 800 (Hill) Healing Arts

(B) 2015/16 -Other Bills Potentially Impacting Physical Therapy Practice or Regulation or the Operation of the Physical Therapy Board

10. Rulemaking Report – Brooke Arneson

(A) 2015 Rulemaking Update

- 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) 2016 Rulemaking Calendar

(C) Draft Regulatory Language for Board Consideration and Possible Action for the Following Sections of Division 13.2 of Title 16 of the California Code of Regulations

- i. License Renewal Exemptions: Retired Status
Regulation number(s) to be determined

11. Administrative Services Report – Liz Constancio

(A) Budget

(B) Outreach

12. Application & Licensing Services Report – Liz Constancio

13. Consumer Protection Services Report – Elsa Ybarra

14. Board Member Training – Liz Constancio

(A) Mandatory Training and Reporting Requirements

15. Board Member Elections

(A) President

(B) Vice-President

(C) FSBPT Delegate

(D) FSBPT Alternate Delegate

(E) FSBPT Back-up Alternate Delegate

16. Public Comment on Items Not on the Agenda

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

17. Agenda Items for Next Meeting – February 10 & 11, 2016
Department of Consumer Affairs
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815

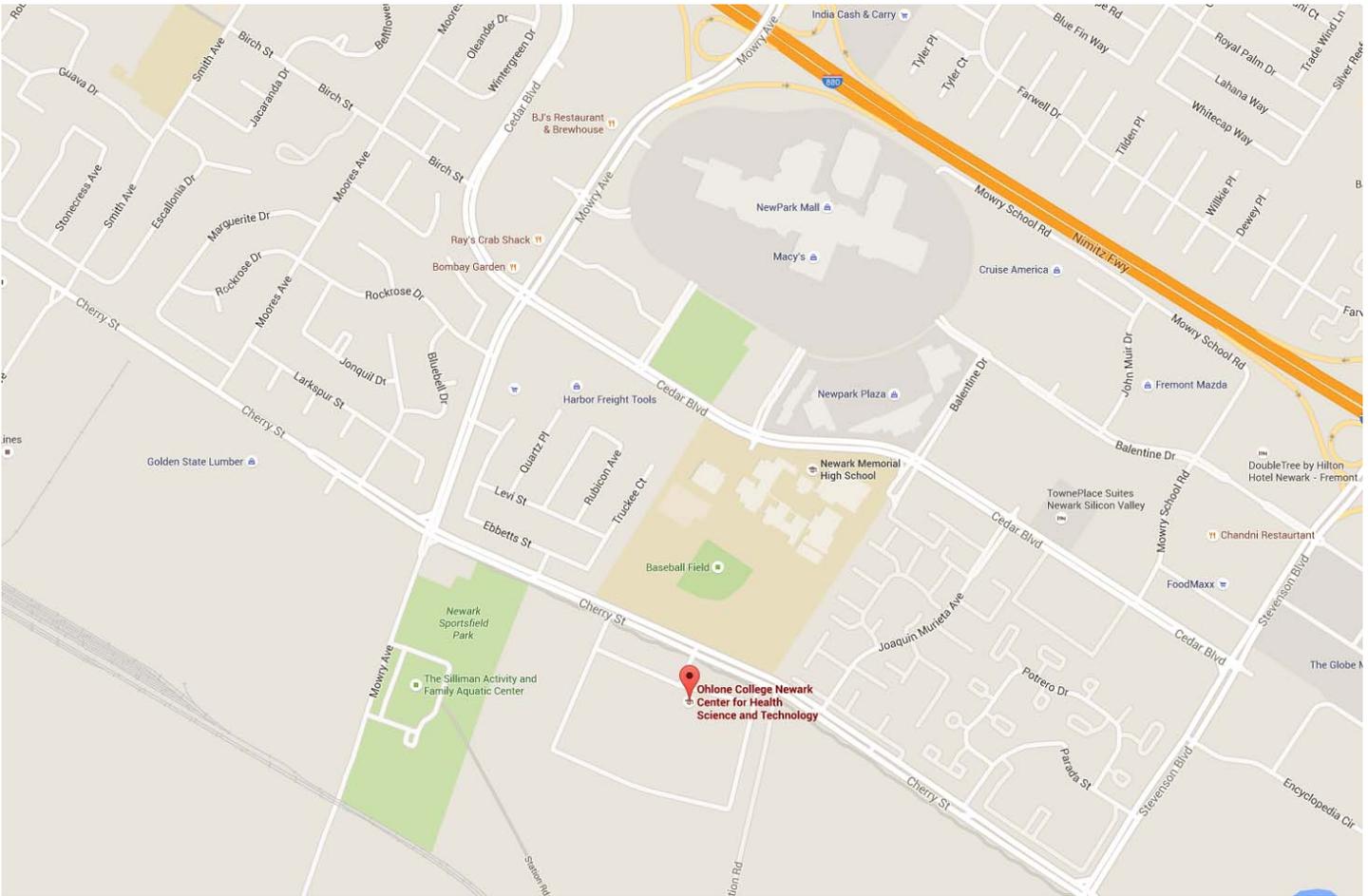
18. Adjournment

Informational Notes:

Times stated are approximate and subject to change. Agenda order is tentative and may be changed by the Board without prior notice. 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.



**Ohlone College Newark
Center for Health Science
and Technology, NC 1100 (Wing 1, First Floor)**

39399 Cherry St
Newark, CA 94560

Parking Information: \$4 Daily Parking Permit

Roll Call

Ohlone College, Newark, CA

November 4, 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		

November 5, 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		



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



1

Board Members

President

Debra Alviso, PT, DPT

Vice-President

Katarina Eleby

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Alicia Rabena-Amen, PT, MPT

James Turner, MPA

Carol Wallisch, MA, MPH

Physical Therapy Board of California

DRAFT Meeting Minutes

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**

Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Associate

Analyst

2 For the sake of clarity, agenda items discussed during the meeting follow their original order on
3 the agenda in these minutes; however, some agenda items may have been taken out of order
4 during the meeting.

5

6 **1. Call to Order, Roll Call and Establishment of Quorum**

7

8 The Physical Therapy Board of California (Board) meeting was called to order by Dr.
9 Alviso at 9:00 a.m. on August 19, 2015. The Board recessed and reconvened on August
10 20, 2015. All members were present and a quorum was established. Also present at the
11 meeting were Angelique Scott, Legal Counsel; Jason Kaiser, Executive Officer; Brooke
12 Arneson, Sarah Conley, Jacki Maciel, Carl Nelson and Elsa Ybarra, Board staff.

13

14 **2. Special Order of Business – August 19, 2015 9:00 a.m.**

15

(A) Hearing on Petition for Reinstatement of License – Aaron Tsuda

16

17 The petition for reinstatement of the license for Mr. Tsuda was not heard as schedule but
18 continued to November 2015.

19

(B) Hearing on Petition for Termination of Probation – Mitzi Harrison, PT

20

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

23

24 Once issued, disciplinary decisions can be found on the Board's website at
25 www.ptbc.ca.gov.

26

27

28

29

3. Closed Session

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74

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

Once issued, disciplinary decisions can be found on the Board’s website at www.ptbc.ca.gov.

**(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**

Ms. Arneson presented the May 2015 minutes for the Board’s consideration. The Board identified minor amendments to the minutes as follows:

- Page 7, line 38 – correct typographical error “SDB” 198 to “SB” 198
- Page 8, line 17 – correct February 2014 to February 2015
- Page 8, line 29 – correct typographical error “2106” to “2016”

MOTION: To adopt the draft May 13 & 14, 2015 meeting minutes as amended.

M/S: Turner/Eleby

VOTE: 7-0 Motion carried

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

David Relling, Member of the Board of Directors, Susan Layton, Chief Operating Officer and Lorin Mueller, PhD. Managing Director of Assessment presented on the upcoming eligibility requirements to sit for the National Physical Therapy Examination (NPTE).

Dr. Mueller reminded members of the 2011 question harvesting incident by examination candidates prompting greater protection of the NPTE. As a result, after a lengthy and

75 extensive data analysis the following four safeguards were presented to the 2013 Board
76 of Directors who in turn brought them forward to the Leadership Issues Forum and the
77 Delegate Assembly. The following concepts were endorsed by a vast majority of the
78 FSBPT members:

- 79
- 80 1) Lifetime limit allowing candidates to take the exam a maximum of six times
- 81 2) Limit of only two very low scores
- 82 3) Demonstrate English language proficiency
- 83 4) Limit the evaluation to the current coursework tool

84 Lifetime limit – The lifetime limit will go into effect as of January 1, 2016.

85 Candidates will be able to take the exam a maximum of six (6) times. An individual can
86 take the NPTE for PTs six times and also take the NPTE for PTAs six times if he or she
87 is otherwise qualified to do so.

88 Candidates will still be allowed up to three attempts per year but now will have a six-
89 time total limit.

90 As of January 1, 2016, any candidate who has already tested six times will no longer be
91 allowed to test unless a jurisdiction chooses to appeal this policy on a specific
92 candidate's behalf.

93 Candidates who have not yet passed the exam will receive a notice from FSBPT in
94 2014 explaining the new requirement and implementation date. This notice period will
95 allow candidates to take up to three attempts in 2015.

96 There will be no “grandfathering” for candidates who registered prior to this requirement
97 going into effect. All candidates who do not have a passing score and have tested in the
98 last three years will be notified of the changes and have one year to pass the exam prior
99 to the new requirements going into effect.

100 Low score limit – The low score limit will go into effect as of January 1, 2016.

101 Candidates who receive two very low scores on the exam, currently defined as
102 performing at or close to chance level (scale scores 400 and below), will not be allowed
103 to test again.

104 Currently, candidates who receive a very low score on the exam are notified their
105 performance is so far away from the minimal competence level they need to engage in
106 serious remediation, such as enrolling in another PT educational program, before
107 attempting the NPTE again and another score that is very low (400 or below) may result
108 in further action by FSBPT.

109 Starting January 1, 2016, the letter sent to candidates who receive a score of 400 or
110 less will be modified to indicate that a second score of 400 or less will result in a lifetime

111 ban. No scores prior to January 1, 2016 will be considered, which means all candidates
112 will have a “clean slate” with regard to this eligibility requirement.

113 The two remaining eligibility requirements endorsed in 2013, English language
114 proficiency and determination of substantial equivalence using the FSBPT coursework
115 tool, will go into effect in 2017.

116 Ms. Layton explained that over the course of the last 18 months FSBPT and its
117 members have been communicating about an appeal opportunity and how best to
118 establish a process.

119 Reasons a state might appeal the lifetime limit or low-score limit on behalf of a bona fide
120 candidate for licensure in their state would likely be related to additional
121 preparation/education the candidate has undertaken.

122 Candidates who are subject to the new eligibility requirements will be notified
123 individually by email, no later than November 30, 2014, to explain the new
124 requirements.

125 Member boards will receive a spreadsheet of all their candidates who have been
126 notified and a sample of all emails used to communicate the new requirements.

127 At the same time the notices are sent to candidates and member boards,
128 www.fsbpt.org/eligibility will be updated with the timeline for implementation.

129 Ms. Alviso invited Ms. Scott, legal counsel and Mr. Kaiser, Executive Officer to comment
130 on why these kind of limitations are prohibited by California law. Ms. Scott indicated
131 there is an explicit prohibition in California law against limiting an applicant’s
132 examination attempts. To do so would require a statutory amendment to the California
133 Business and Professions Code section 135. Mr. Kaiser further indicated the Board’s
134 regulations afford an applicant the right to take an examination post failure. He also
135 went on to explain that the two Boards referenced by Dr. Mueller as doing such,
136 Pharmacy Board and Medical Board, are not prohibiting repeat exams while they do
137 have further restrictions they are not lifetime bans. Dr. Drummer asked about how this
138 would impact California given the statutory restrictions. Ms. Layton replied that
139 California will have an exemption on the exam limits. It was noted by Dr. Alviso and Mr.
140 Kaiser that California is in the process of complying with the English proficiency and the
141 FSBPT’s coursework tool requirements through regulation. Ms. Wallisch commented
142 that in order for a legislative change to be made there would need to be substantial
143 evidence of the problem and how consumers are being negatively impacted. Dr.
144 Mueller and Ms. Layton assured there is psychometric evidence and offered to support
145 the Board in the event it chooses to seek a legislative change. Earlier Mr. Kaiser
146 reported the prohibiting statute is a general provision and impacts all licensing boards;
147 therefore, making an amendment much more challenging.

148 **(B) Department of Consumer Affairs (DCA)**

149 Christine Lally, Deputy Director of Board Relations presented on four items of interest.

150
151 1) BreEZe – Ms. Lally updated the Board on progress, status and upcoming events.
152 She indicated User Acceptance training will be September 23 to November 19, 2015;
153 Train the Trainer will be October 14 to November 3, 2015; and, User training will be
154 November 4 to December 11, 2015. Go Live for those in release two is scheduled to
155 take place in January, 2016.

156
157 Ms. Lally on behalf of Director Kadani commended Jason Kaiser on his support and
158 leadership as well as his dedication in the trenches. She indicated every time she hears
159 Jason’s name it’s either preceded with “thank God for” or followed by “is awesome” and
160 stated she concurred with these sentiments.

161
162 2) Enforcement – Ms. Lally reported DCA initiated department wide quarterly meetings
163 with the Board Presidents and Executive Officers to share best practices on
164 enforcement. She advised the next meeting will be held in late September and an
165 invitation will be mailed.

166
167 3) Pro rata study – SB 1243 legislated a one-time study on expense distribution of pro
168 rata. CPS HR Consultants were contracted to complete a survey and cost analysis.
169 The results are posted on the DCA website and are available for review. Ms. Lally
170 indicated a significant adjustment resulting from the outcome of the analysis is that DCA
171 will begin meeting in October with Boards on annual cost distribution in lieu of waiting
172 until January.

173
174 4) Update on the *North Carolina State Board of Dental Examiners v. the Federal Trade*
175 *Commission* Supreme Court Decision – Ms. Lally advised the Board that as a result of
176 the Supreme Court decision Senator Hill requested an Attorney General opinion on
177 what constitutes “active state supervision” of a state licensing board for purposes of the
178 state action immunity doctrine in antitrust action and what measures might be taken to
179 guard against antitrust liability for board members. Ms. Lally indicated the DCA legal
180 office would be looking to the Attorney General opinion as well as completing their own
181 research and will be providing information and training to Board Presidents, Executive
182 Officers and legal counsels on the topic sometime in mid-September.

183
184 **(B) California Physical Therapy Association (CPTA)**

185
186 Stacy DeFoe, Executive Director advised the Board that association staff were busy
187 preparing for the upcoming annual conference in Pasadena on September 26 & 27,
188 2015, Saturday and Sunday. She also indicated Mr. Kaiser would be speaking at the
189 conference on Sunday. Ms. DeFoe reported licensees could earn five continuing
190 education units per day or two contact hours for attending the conference.

191
192 Additionally, she expressed appreciation for Mr. Kaiser affording the CPTA the
193 opportunity to work together with the Board on AB 483.

194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238

7. President’s Report - *Dr. Debra Alviso*

(A) 2015 Meeting Calendar

There were no changes to the November, 2015 meeting.

(B) 2016 Meeting Calendar

The Board considered moving the May meeting to May 11 & 12, 2016. Discussion pursued about the University of Southern California as a meeting location. The Board also discussed and agreed to move the November meeting to November 9 & 10 avoiding conflict with the Federation of State Boards of Physical Therapy’s annual meeting scheduled for November 4 - 6, 2016 in Columbus, Ohio.

MOTION: To adopt the 2016 meeting calendar as amended.

M/S: Wallisch/Eleby

VOTE: 7-0

8. Executive Officer’s Report - *Jason Kaiser*

Dr. Alviso referred members to the report included in the agenda materials and asked whether there were any questions. Mr. Turner inquired about staff resources dedicated to BreEZe. Mr. Kaiser indicated staff are impacted to some degree by BreEZe on a daily basis. He further explained the varied demands ranged from all day meetings to completing homework in preparation for a meeting but reiterated while it is a drain on staff resources it is an investment in the future success of BreEZe when the Board goes live with BreEZe. Even after that point the Board has been requested to dedicate an employee to the “train the trainer” program which would be a commitment of 4 days a week, 8 hours a day. This would be a significant sacrifice since the Board already suffers from staff shortages.

Mr. Turner also inquired about the publication date of the newsletter. Mr. Kaiser responded there has been a delay due to resources and the conclusion of some pending newsworthy items and assured there would be a winter, 2016 publication of the newsletter.

9. Legislation Report - *Brooke Arneson*

(A) AB 85 (Wilk) Open Meetings

Ms. Arneson reported the Board adopted an oppose position on AB 85 at the May, 2015 meeting. It was further noted the Department of Consumer Affairs also adopted an

239 oppose position and the bill passed out of the Assembly and the Senate and was
240 currently in Appropriations. Mr. Turner asked Ms. Island, CPTA representative if the
241 CPTA had taken a position on the bill and she indicated they had not taken a position
242 on the bill.

243
244 **(B) AB 483 (Patterson) Healing Arts: Initial License Fees: Proration**

245
246 The Board adopted an oppose unless amended position on this bill at its meeting in
247 May; however, since the author agreed to amend the language removing the Physical
248 Therapy Board from the bill, Dr. Alviso as Board President, issued an Interim Neutral
249 position.

250
251 **MOTION: To remove the former position of Oppose Unless Amended and**
252 **adopt a Neutral position on AB 483**

253
254 **M/S: Wallisch/Turner**

255
256 **VOTE: 7-0 Motion carried**

257
258 **(C) AB 1351 (Eggman) Deferred Entry of Judgment: Pretrial Diversion**

259
260 Ms. Wallisch questioned why staff was recommending an Oppose position to this bill.
261 Mr. Kaiser explained how the bill would cripple the Board's enforcement program since
262 it would enable a licensee to choose pretrial diversion to avoid a drug or alcohol related
263 conviction. Currently, the Board relies on the conviction and the evidence surrounding
264 the conviction to support its allegation of substantial relationship. Ms. Scott, Board
265 Counsel further pointed out that the length of the diversion program required in AB 1351
266 is only from six to twelve months as opposed to Maximus, the Board's rehabilitation
267 program, which is three years or more depending on the degree of successful response
268 by the participant. Ms. Wallisch suggested a position of Oppose Unless Amended. Mr.
269 Kaiser asked, what amendments would the Board propose? He further added the
270 Board of Pharmacy had taken an Oppose Unless Amended and proposed
271 amendments; however, he was unaware of the specific amendment language
272 proposed. Mr. Turner wondered if a position could be deferred to a future meeting and
273 Mr. Kaiser responded November would be too late. Dr. Dominguez suggested since the
274 proposed language required Police Officers to disclose an arrest, perhaps the Board
275 could seek similar language. Mr. Kaiser interjected that simply adding health care
276 practitioners to those required to disclose an arrest would not be enough to protect
277 consumers since even though the Board may have disclosure of an arrest by the
278 practitioner, it would not have disclosure of the conviction thereby eliminating the Board's
279 authority to take administrative action. Amongst the discussion the Board all agreed to
280 oppose the bill unless amended. Mr. Turner made the motion and Ms. Rabena-Amen
281 seconded. However, prior to the vote Dr. Drummer requested an amendment to the
282 motion charging the Executive Officer with pursuing an appropriate amendment that
283 would address the concerns of the Board the general concept. Both Mr. Turner and Ms.

284 Rabena-Amen agreed to the amendment.

285

286 **MOTION:** To oppose unless amended and charge the Executive Officer
287 with pursuing an appropriate amendment that would address
288 the concerns of the Board.

289

290 **M/S:** Turner/Rabena-Amen

291

292 **VOTE:** 7-0 Motion carried

293

294 **(D) AB 1352 (Eggman) Deferred Entry of Judgment: Withdrawal of Plea**

295

296 Mr. Kaiser advised this bill is similar to AB 1351 but takes into account criminal actions
297 in process.

298

299 **MOTION:** To oppose unless amended and charge the Executive Officer
300 with pursuing an appropriate amendment that would address
301 the concerns of the Board.

302

303 **M/S:** Dominguez/Wallisich

304

305 **VOTE:** 7-0 Motion carried

306

307 **(E) Other 2015 Bills Potentially Impacting Physical Therapy Practice or**
308 **Regulation or the Operation of the Physical Therapy Board**

309

310 Ms. Arneson indicated there were no other bills requiring further discussion.

311

312 **10. Rulemaking Report - Brooke Arneson**

313

314 **(A) 2015 Rulemaking Calendar**

315

316 At the November 2014 meeting, the Board adopted the 2015 Rulemaking Calendar as
317 required by Government Code (GC) § 11017.6. Staff developed a rulemaking tracking
318 form on which all rulemaking progress is noted and reported to the Board at its quarterly
319 meetings. No action was requested on the presentation of the rulemaking report;
320 however, staff requested action for specific rulemaking items; under 4(A) and 4(B).

321

322 **(B) Amendments pursuant to Title 1, Section 100 of the California Code of**
323 **Regulations**

324

325 Dr. Alviso questioned rationale behind some of the section 100 changes and wondered
326 about the capitalization of select subsections in section 1399.94. Mr. Kaiser made note of
327 the inquiry and added if there was a correction to be made it would be done through this
328 process. Dr. Alviso commented on the value of this pathway for cleanup of regulatory

329 language.

330
331 **11. Administrative Services Report**

332
333 **(A) Budget – Carl Nelson**

334
335 Mr. Nelson identified the differences from the Month 12 report, included in the agenda
336 materials, from the Month 13 report distributed at the meeting. He specifically brought
337 to the attention of the Board an increase in expenditures in Personnel Services,
338 Attorney General, Office of Administrative Services, Evidence Witness and Court
339 Reporters since the release of Month 12. However, the budget moved from the red to
340 the black in areas of General Services, specifically C&P and Department of Consumer
341 Affairs pro rata. He also reported there was a \$15,000 reversion in Division of
342 Investigation Costs. Mr. Kaiser advised the reversion was a result of increased efforts
343 to scrutinize billings, just one of many ways the Board is being prudent about living
344 within the Board’s means. The fact that the Board’s revenue does not support its
345 expenditures is evidence of the dire need for the fee increase.

346
347 Mr. Nelson went on to review materials included in the agenda book. Dr. Dominguez
348 requested a definition of categories for ease of the user. Mr. Kaiser indicated it would
349 be available by the November meeting.

350
351 **(B) Outreach – Jacki Maciel**

352
353 Ms. Maciel presented the Outreach report and noted a few highlights such as an
354 increase of sharing posts of the PTBC on Facebook page and receiving more
355 comments on posts. Ms. Albena-Ramen suggested addressing commonly asked
356 questions and Ms. Maciel indicated she does have “Did you know” questions posted.
357 Mr. Kaiser advised the Board has branched out into Instagram but has not been too
358 successful as yet.

359
360 **12. Application & Licensing Services Report - Sarah Conley**

361
362 Ms. Conley reported on Application and Licensing Services activities. She referred the
363 members to her report included in the agenda book and expounded on some areas of
364 interest requiring further attention. She advised members she is paying special
365 attention to the evolution of growth and its contributors, such as BreEZe, Fixed-date
366 testing, Application and Licensing Performance Measures and examination
367 performance. She expressed interest in exam performance of California test takers in
368 comparison to the national average. She further indicated she was looking into what
369 staff can do within existing resources to enhance services to stakeholders including
370 adding additional timeline information to the letters used to communicate status to
371 applicants. Dr. Dominguez suggested a visual timeline on the Board’s website. He
372 noticed timeline information is somewhat buried within the application instruction and it
373 would be helpful if it was more transparent. Stacy DeFoe, Executive Director of the

374 California Physical Therapy Association also expressed concern with communicating
375 timelines as they receive numerous calls on the issue and requested a means to
376 communicate real time in anticipation of minimizing applicant anxiety.
377

378 **13. Consumer Protection Services Report - *Elsa Ybarra***
379

380 Ms. Ybarra shared there have been some staffing shifts within the CPS program and
381 one new hire. Vincent Azar, the Board's current resident BreEZe expert promoted from
382 the Application and Licensing Services program into the Consumer Protection Services
383 program. Ms. Ybarra congratulated Mr. Azar on his promotion into the program but also
384 shared he will remain serving as the Board's single point of contact (SPOC) for the
385 BreEZe project. Ms. Ybarra went on to review the reports included in the agenda
386 materials and noted that while there was a decrease in complaints received, costs were
387 still escalating. This was largely due to the complexity of the cases requiring more
388 formal investigations and supplemental investigations at the request of the Attorney
389 Generals' office in order to prove its cases. She also commented on the increase in
390 criminal convictions and the time involved in processing a criminal conviction. While the
391 responsibility of obtaining arrest and conviction records rests on the applicant or
392 licensee, sometimes they are practically unobtainable by the applicant or licensee
393 requiring Board staff to intervene. Another obstacle in obtaining records is narrowing
394 down the arresting agency since there are many times the arresting agency and
395 booking agency are different. Another variable is when the Board receives a
396 Subsequent Arrest Report from the Department of Justice, the Board opens the case
397 based on the arrest and then must follow it to the conviction phase. These, plus other
398 variables, factor into processing timelines.
399

400 Ms. Ybarra also corrected the date of the Expert Consultant Training. Her report
401 indicated it was November 3rd but it is November 10, 2015 and it will be held at Loma
402 Linda University. Mr. Turner inquired about the length of the training and the number of
403 participants. Ms. Ybarra replied it is one day – eight hours in length and she is
404 anticipating approximately 30 participants. She further advised existing expert
405 consultants are also required to attend in order to maintain status with the Board. Lastly
406 she explained participants were solicited based on whether they met the criteria,
407 licensed five years, no disciplinary background, etc. and demographic area. Mr. Kaiser
408 indicated that even though they focus on recruiting in outlying areas it still poses a
409 problem with the investigation when the expert consultant is a competitor of the subject
410 of the complaint. In cases of conflict an expert from another geographic location is
411 called upon to serve.
412

413 **14. Board Member Training – *Jacki Maciel & Liz Constancio***
414

415 Ms. Maciel presented on travel guidelines and increasing reimbursement efficiencies.

416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436

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)]

There were no public comments on items not on the agenda.

**16. Agenda Items for Next Meeting – November 4 & 5, 2015
Ohlone College, Newark, CA**

The Board indicated there were notes on items of future interest but did not have any specific items at this time for the November 4 & 5, 2015 meeting. Dr. Alviso reminded members to consider nominations for the positions of office within the Board and delegate and alternate delegates for the Federation of State Boards of Physical Therapy. Mr. Kaiser noted the Coursework Tool should be included in the 2016 Rulemaking Calendar.

17. Adjournment

The Board concluded the meeting on Thursday, August 20, 2015 and adjourned at approximately 3:20 p.m.

Physical Therapy Board of California

Adopted 2016 Meeting Calendar

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

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

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

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

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

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

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

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

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

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

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

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

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
 Memorial Day
 30

August

24-25 PTBC Meeting – Sacramento

November

4-6 FSBPT Meeting Columbus, OH
 9-10 PTBC Meeting – Bay Area
 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: October 21, 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 – The Administrative Services Program has completed the recruitment process for a half time Staff Services Analyst (SSA) position within the Administrative Services unit. We would like to welcome Araceli Botello to the unit. Ms. Botello will be responsible for assisting Brooke Arneson with legislation/regulation, in addition to, providing analytical support for board relations, i.e., board member arrangements; per diem, travel, training, orientation, as well as strategic planning, policies, guidelines, etc. Ms. Botello previously served with the Department of Public Health as a Personnel Specialist and has an in-depth knowledge in personnel transactions, i.e., payroll, health benefits, human resource laws, regulations, policies, guidelines, etc. In addition, she has an extensive professional background in customer service in state service and the private sector, such as, working with customers face to face, responding to inquiries, including interpreting laws, regulations, policies, procedures and guidelines related to various business practices; and, providing excellent customer service timely and with accuracy.

The PTBC is currently recruiting for (1) Half-time Office Technician (OT) in the Administrative Services unit.

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

BreEZe – At the time of this writing, PTBC staff is working its way through the fifth week of User Acceptance Testing (UAT). As previously reported, the BreEZe project is a major draw of the PTBC's time and resources. During UAT, this is especially so. On any given weekday, no less than four (4) PTBC employees are out of the office, at the BreEZe lab, working solely as a tester. And at times, even on weekends. We were also able to include a few external stakeholder testers during the fourth week of testing. We continue to divert resources to our Data Validation (DV) efforts as well. We are currently closing out DV Mock 2 Run 4.0. We are also in the final stages with Organizational Change Management (OCM). The new BreEZe go-live date is scheduled to be January 19, 2015.

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

OUTREACH – With the help of the DCA, PTBC staff has begun an informational campaign about BreEZe, to get the word out to stakeholders, via outreach, the PTBC website, social media, etc. As part of that outreach, on October 30, 2015 the Board President, Vice-President, Executive Officer and CPTA Director, will meet with the DCA Director Awet Kidane and BreEZe staff, for a demonstration of the BreEZe product and to have a conversation about how best to get the word out to stakeholders about BreEZe.

Special thanks to Professor Floris Van de Ven and Sacramento State for hosting Board staff and allowing us to provide a four day lecture for their DPT program. Laws & regulations and advice on making their upcoming application process as smooth as possible were the topics of discussion. It was a great class, and they were excellent hosts!

The next publication of the PTBC’s Progress Notes will again be delayed due to priority and resources. In light of the regulatory changes that are in progress, the Board may want to consider delaying the newsletter further so that notification of those changes can be included in the next publication.

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

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

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

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

DCA INTERNAL AUDIT – Due to limited resources, and in consideration of the PTBC’s participation in the BreEZe project, the random audit of the PTBC by DCA’s Office of Internal Audits has been delayed indefinitely.



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: October 6, 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. [2015 Legislative Summary](#)
 4. [AB 85 Opposition Letter](#)
 5. [AB 1351 & 1352 Opposition Letters](#)
-

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 Summer Recess on August 17th. September 4th was the last day to amend bills on the floor and September 11th was the last day for each house to pass bills. October 11th was the last day for the Governor to sign or veto bills passed by the Legislature on or before September 11th, and in the Governor's possession after September 11th. All statutes will take effect January 1st 2016. Staff continues to monitor Legislation for progress.

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:

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

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
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 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						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

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

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

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

APRIL						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

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

MAY						
S	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		23
24	25	26	27	28	29	30
31						

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

*Holiday schedule subject to final approval by Rules committee

2015 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE

10/16/2014

JUNE						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

June 1 – 5 Floor Session only. No committee may meet for any purpose (J.R. 61(a)(7)).

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

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

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

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

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

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						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

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.

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
AB 12 (Amended 8/19/15)	Cooley	State Government: Administrative Regulations Review This bill would, require every state office, agency, department, division, board, bureau, and commission to review and revise regulations to eliminate inconsistent, overlapping, duplicative, and outdate provisions. Revisions must be adopted by January 1, 2018, unless a non-substantive Section 100 change is appropriate, and report to the Governor and Legislature on compliance with these provisions.	Watch	8/28/15 Failed Deadline Pursuant to Rule 61(a)(11). Assembly 2 Year
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	5/29/15 Failed Deadline Pursuant to Rule 61 (a)(5). Assembly 2 Year
AB 161 (Amended 8/31/15)	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	9/28/2015 Vetoed by the Governor Veto Message: "This bill prohibits a person from using the title of Athletic Trainer unless they have received a bachelor's degree and are certified by a national certification body. I vetoed a nearly identical measure last year and continue to believe that the conditions set forth in this bill impose unnecessary burdens on athletic trainers without

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	sufficient evidence that changes are needed.”
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	5/15/15 Failed deadline pursuant to Rule 61(a)(3). 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	9/30/15 Chaptered Chapter 360, Statutes of 2015

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
<p>AB 611 (Amended 4/15/15)</p>	<p>Dahle</p>	<p>Controlled Substances: Prescriptions: Reporting 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>	<p>Watch</p>	<p>5/1/15 Failed deadline pursuant to Rule 61(a)(2). Assembly-2 Year</p>
<p>AB 750 (Amended 4/16/15)</p>	<p>Low</p>	<p>Business and Professions: Retired Category: Licenses 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>	<p>Watch</p>	<p>5/29/15 Failed deadline pursuant to Rule 61(a)(5). Assembly-2 Year</p>

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
<p>AB 1060 (Amended 8/31/15)</p>	<p>Bonilla</p>	<p>Cancer Clinical Trials Would until January 1, 2022, establish 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, to be used to administer a grant program. The bill would limit the amount the agency may spend to establish the foundation to \$300,000 of appropriated funds, to be repaid by January 1, 2021, but would otherwise prohibit General Fund moneys to be used for the foundation.</p>	<p>Watch</p>	<p>10/5/2015 Vetoed by the Governor Veto Message: "This bill would direct the California Health and Human Services Agency (CHHS) to create a non-profit foundation to solicit donations to fund participation in cancer clinical trials. Numerous private organizations already perform this fundraising function. While I support eliminating barriers to take part in clinical trials, I am hesitant to place this new burden on the CHHS which is managing a huge expansion of our healthcare system."</p>
<p>SB 800 (Amended 9/3/15)</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>10/1/15 Chaptered Chapter 426, Statutes of 2015</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 This bill would require the Department of Consumer Affairs to submit a report to the Legislature and Department of Finance, on or before March 1, 2016, and annually thereafter when available, detailing the implementation status of the Department's enterprise-wide licensing system known as BreEZe. This report would contain the Departments plan for implementing BreEZE for the remaining 19 programs on legacy licensing systems, the total remaining cost of BreEZe implementation, and a description of any increased efficiency achieved by implementing BreEZe.	No Position	8/17/15 Hearing Cancelled at the Request of the Author 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	5/29/15 Failed Deadline Pursuant to Rule 61(a)(5) Assembly 2 Year
AB 410 (Amended 8/24/15)		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 (BCP) that has been approved by the Department of Finance (DOF) and submitted to the Joint Legislative Budget Committee, the Assembly Committee on Budget, or the Senate Committee on Budget and Fiscal Review.	No Position	10/1/2015 Vetoed by the Governor Veto Message: "This bill requires DOF to post on its website all approved BCP's and requires all state agencies to post on their website any report it submits to a committee of the legislature. I share the author's belief in governmental transparency, but existing law already requires departments to post mandated reports online. Moreover, in January, DOF will have up and running a dedicated website for all approved BCP's."

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
AB 85 (Amended 9/2/15)	Wilk	Open Meetings This urgency bill 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 or panel is a member of the larger state body, and the advisory committee is supported, in whole or in part, by state funds.	Oppose	9/28/2015 Vetoed by the Governor Veto Message: "This bill expands the Bagley-Keene Open Meeting Act to include state advisory bodies, regardless of their size. My thinking on this matter has not changed from last year when I vetoed a similar measure, AB 2058. I believe strongly in transparency and openness but the more informal deliberation of advisory bodies is best left to current law."
AB 483 (Amended 9/2/15)	Patterson	Healing Arts: Initial License Fees: Proration This bill would require specified programs within the Department of Consumer Affairs to prorate initial license fees on a monthly basis. This bill would impact the Acupuncture Board, Architects Board, Dental Board, Dental Hygiene Committee, Occupational Therapy Board, Board of Psychology, and Veterinary Medical Board.	Neutral	10/10/2015 Vetoed by the Governor Veto Message: "This bill would require various programs but not all programs within the DCA to prorate license fees, based on how many months have elapsed between the initial issuance of a license and time of renewal. Creating an equitable licensing fee is a policy I support. Such an endeavor, however, can be crafted more carefully and thoughtfully through regulation. I am directing the DCA to work with each board, bureau, and commission to devise a sound approach to guarantee that each licensee pays a fair amount."

PTBC 2015 Legislation Summary

Bill	Author	Summary	Board's Position	Status
<p>AB 1351 (Amended 9/3/15)</p>	<p>Eggman</p>	<p>Deferred Entry of Judgment: Pretrial Diversion This bill would change the existing deferred entry of judgment program for specified offenses involving personal use or possession of controlled substances into a pretrial drug diversion program that allows for a not guilty plea to be entered.</p>	<p>Oppose Unless Amended</p>	<p>10/8/15 Vetoed by the Governor Veto Message: "AB 1351 would transform the existing deferred entry of judgment program available to low level drug offenders to one that does not require a guilty plea. Instead, the offender would plead not guilty and when the program is completed, the charges would be dropped. If the offender fails to complete the program, the prosecutor would proceed with the charges at that time. While I support the goal of giving low-level offenders a second chance, I am concerned that the bill eliminates the most powerful incentive to stay in treatment the knowledge that judgment will be entered for failure to do so. The bill goes too far."</p>
<p>AB 1352 (Amended 9/9/15)</p>	<p>Eggman</p>	<p>Deferred Entry of Judgment: Withdrawal of Plea This bill would require courts to allow certain defendants in cases involving deferred entries of judgment after January 1, 1997, to withdraw their guilty or nolo contendere pleas in order to avoid certain adverse consequences, including denial of a license or certificate.</p>	<p>Oppose Unless Amended</p>	<p>10/8/15 Chaptered Chapter 646, Statutes of 2015</p>



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



September 10, 2015

The Honorable Edmund G. Brown Jr.
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

Re: AB 85 – Open Meetings (Wilk)

Dear Governor Brown,

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

This bill would make an advisory body consisting of less than three members subject to the Bagley-Keene Open Meeting Act if a member of the state body is serving on it in his or her official capacity, and if the advisory body is supported, wholly or partially, by funds from the state body.

While the Board strongly supports public transparency, it believes the Bagley-Keene Act already upholds this, as advisory bodies do not have the authority to act on their own. In addition, it would be difficult for the Board to ensure meetings it is not hosting comply with Bagley-Keene. Therefore, this bill would act as a disincentive for Board members to represent the Board at outside meetings and events, hindering the Board’s outreach efforts.

Now, we understand that legislation (AB 85) may soon arrive at your desk asking for your signature. We respectfully ask that you consider a veto of this legislation, without it, the consumer’s of California will be adversely impacted if this bill is enacted as currently written.

Thank you for your consideration of our concerns.

Jason Kaiser
Executive Officer

Cc: 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

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



September 8, 2015

Assembly Member Susan Talamantes Eggman
California State Assembly
State Capitol, Room 3173
Sacramento, CA 95814

Dear Assembly Member Eggman,

The Physical Therapy Board of California (Board) wishes to respectfully **Oppose Unless Amended, AB 1351 and 1352.**

The Board, at its August meeting voted to oppose both AB 1351 and 1352 as long as the provisions of the bill applied to applicants and or licensees of the Board.

The Board is mandated by Business and Professions Code section 2602.1 that the Board's highest priority is to protect the public. Applicants and licensees who have been arrested for violations involving drugs pose a great concern as many licensees work in positions where they may have access to controlled substances. Licensees who care for patients while under the influence of controlled substances pose a danger to the public.

Under the proposed revisions currently in AB 1351, the Board may never learn about an applicant's entry (even possible multiple entries) into a pretrial diversion program for violations of drug offenses. This information about prior acts is essential to the Board in making informed decisions about licensure and provides a level of public protection. Further, the removal of the entry of guilty plea before entering a drug diversion program will impair the Board's ability to prove in a disciplinary proceeding that a licensee or applicant has engaged in illicit drug activities; it will also impair the Board's ability to consider this information as part of our enforcement activities.

In addition, evidence shows that individuals who may have issues with controlled substances should participate in treatment for a period of time much greater than 6-12 months as specified in your bill.

The Board has a Substance Abuse Rehabilitation Program and monitors licensees in probation with substance abuse issues to ensure licensed practitioners are safe to practice. Licensees who have substance abuse issues are monitored from 3-5 years, which is the average time needed to properly address substance abuse in a program and provide proper public protection before being allowed to practice with an unencumbered license. The Board's Substance Abuse Rehabilitation Program is a key component. Because of the monitoring that it provides, it can often be used to improve public protection while allowing a licensee to

practice while they deal with a substance abuse issue. The individual circumstances of each criminal charge are considered in our discipline and licensing decisions. We seek to allow practice if the public is reasonably and properly protected.

The effect of your bills would be that the Board would be unable to charge and take action on violations of licensees with potential substance abuse issues. These licensees may be able to practice and could harm vulnerable patients in California. The public and the licensee would not have the benefit of proper monitoring such as the Board's Substance Abuse Rehabilitation Program.

The Board of California respectfully submits an oppose unless amended position to AB 1351 and 1352. We thank you for your consideration of the Board's concerns. If additional information is needed, please feel free to contact the Board's Legislative Analyst, Brooke Arneson at (916) 561-8260.

Sincerely,

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

Debra J. Alviso, PT, DPT
Board President

Cc: 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

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



September 16, 2015

The Honorable Edmund G. Brown Jr.
Governor of California
State Capitol
Sacramento, CA 95814

Dear Governor Brown,

The Physical Therapy Board of California (Board), at its August meeting voted to oppose both AB 1351 and 1352 as long as the provisions of the bill applied to applicants and or licensees of the Board.

The Board is mandated by Business and Professions Code section 2602.1 that the Board's highest priority is to protect the public. Applicants and licensees who have been arrested for violations involving drugs pose a great concern as many licensees work in positions where they may have access to controlled substances. Licensees who care for patients while under the influence of controlled substances pose a danger to the public.

Under the proposed revisions currently in AB 1351, the Board may never learn about an applicant's entry into a pretrial diversion program for violations of drug offenses. This information about prior acts is essential to the Board in making informed decisions about licensure and provides a level of public protection. Further, the removal of the entry of a guilty plea before entering a drug diversion program will impair the Board's ability to prove in a disciplinary proceeding that a licensee or applicant has engaged in illicit drug activities; it will also impair the Board's ability to consider this information as part of our enforcement activities.

In addition, evidence shows that individuals who may have issues with controlled substances should participate in treatment for a period of time much greater than 6-12 months as specified in your bill.

The Board has a Substance Abuse Rehabilitation Program and monitors licensees in probation with substance abuse issues to ensure licensed practitioners are safe to practice. Licensees who have substance abuse issues are monitored from 3-5 years, which is the average time needed to properly address substance abuse in a program and provide proper public protection before being allowed to practice with an unencumbered license. The Board's Substance Abuse Rehabilitation Program is a key component. Because of the monitoring that it provides, it can often be used to improve public protection while allowing a licensee to practice while they deal with a substance abuse issue. The individual circumstances of each criminal charge are considered in our discipline and licensing decisions. We seek to allow practice if the public is reasonably and properly protected.

The effect of AB 1351 and 1352 would be that the Board would be unable to charge and take action on violations of licensees with potential substance abuse issues. These licensees may be able to practice and could harm vulnerable patients in California. The public and the licensee would not have the benefit of proper monitoring such as the Board's Substance Abuse Rehabilitation Program.

Now, we understand that legislation (AB 1351 and 1352) may soon arrive at your desk asking for your signature. We respectfully ask that you consider a veto of this legislation, without it, the consumer's of California will be adversely impacted if this bill is enacted as currently written.

Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JK', with a long horizontal stroke extending to the right.

Jason Kaiser
Executive Officer

Cc: 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

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



Briefing Paper

Date: October 6, 2015
Prepared for: PTBC Members
Prepared by: Brooke Arneson
Subject: Rulemaking Report

Purpose:

To introduce the 2016 Rulemaking Calendar and update the Board on the status of proposed rulemaking in progress.

Background:

Government Code (GC) § 11017.6 requires all agencies annually submit a calendar of anticipated regulatory changes and the timeframe in which they expect to submit those changes. This allows OAL to prepare for anticipated workload in the coming year. Therefore at each November meeting, the Board adopts a proposed Rulemaking Calendar. 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

Board staff has been reviewing all regulations under Division 13.2 of Title 16 of the California Code of Regulations to identify regulations in need of amending or repealing. From this review, staff is proposing the attached rulemaking to be added to the 2016 Rulemaking Calendar.

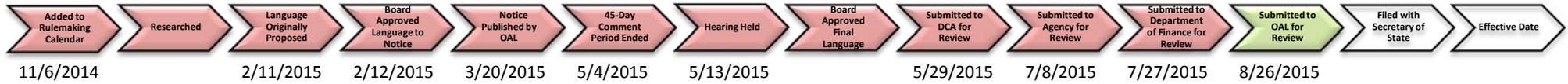
Also attached is the tracking form on which all rulemaking progress is noted for the 2015 rulemaking in progress. This tracking form is included in the agenda materials prepared for the Board at each of its quarterly meetings.

Action Requested:

To adopt the 2016 Rulemaking Calendar as required by Government Code (GC) § 11017.6.

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 was reviewed and approved by the Department of Finance and submitted to Office of Administrative Law (OAL) on August 26, 2015, however it was withdrawn on October 1, 2015 for an addendum to the workload analysis. Staff will resubmit the file to OAL in anticipation of a January 1, 2016 effective date.

Green: Current Status Red: Completed Grey: Not Applicable

Agenda Item 10(A) – Rulemaking Update

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

**Physical Therapy Board of California
2016 RULEMAKING CALENDAR**

SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2015

Subject:		CCR Title & Sections Affected:		Statute(s) Being Implemented:			
Responsible Agency Unit:	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:					
		Notice Published:	Public Hearing:	Adoption by your agency:	To OAL for review:		

At this time, the Physical Therapy Board of California has not identified a need to promulgate regulations implementing statutes enacted during the year 2015.

**Physical Therapy Board of California
PROPOSED 2016 RULEMAKING CALENDAR**

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2015

Subject: Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool		CCR Title & Sections Affected: Title 16 Section 1398.26.1 Article 2 of Division 13.2		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2653			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:					
		Notice Published: 6/2016	Public Hearing: 8/2016	Adoption by your agency: 8/2016	To OAL for review: 1/2017		

Subject: License Renewal Exemptions: Retired Status		CCR Title & Sections Affected: 1399.59 Article 10 Division 13.2 of Title 16		Statute(s) Being Implemented: BPC section 2648.7			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:					
		Notice Published: 1/2016	Hearing: 2/2016	Adoption by your agency: 2/2016	To OAL for review: 6/2016		

Subject: Examination Passing Standard/Setting Examination Score		CCR Title & Sections Affected: Title 16 Section 1398.21.1 Article 2 of Division 13.2		Statute(s) Being Implemented: BPC section 2636			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:					
		Notice Published: 3/2016	Public Hearing: 5/2016	Adoption by your agency: 5/2016	To OAL for review: 9/2016		

**Physical Therapy Board of California
PROPOSED 2016 RULEMAKING CALENDAR**

Subject: License Renewal Exemptions: Disability		CCR Title & Sections Affected: 1399.57 Article 10 Division 13.2 of Title 16		Statute(s) Being Implemented: BPC section 2648.3			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:					
		Notice Published: 3/2016	Public Hearing: 5/2016	Adoption by your agency: 5/2016	To OAL for review: 9/2016		

Subject: Application and Licensing Regulations, Continuing Competency		CCR Title & Sections Affected: Title 16 Section 1398.20-1398.28, 1390-1399 Article 13 of Division 13.2		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2630-2640, 2649			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:					
		Notice Published: 9/2016	Public Hearing: 11/2016	Adoption by your agency: 11/2016	To OAL for review: 2/2017		

Subject: Unprofessional Conduct		CCR Title & Sections Affected: 1399.24 Article 7 Division 13.2 of Title 16		Statute(s) Being Implemented: BPC section 2660			
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:					
		Notice Published: 9/2016	Public Hearing: 11/2016	Adoption by your agency: 11/2016	To OAL for review: 2/2017		

**Physical Therapy Board of California
PROPOSED 2016 RULEMAKING CALENDAR**

Report on the status of all uncompleted rulemaking described on previous calendars:

Review and/or Update of Application and Licensing Regulations

CCR Section(s) Affected: Title 16, Division 13.2, Section(s) specifically identified:

1398.21, 1398.21.1, 1398.22, 1398.23, 1398.24, 1398.25, 1398.26, 1398.26.5, 1398.27, 1398.28, 1398.42, 1398.47, 1399.10, 1399.12

TBD section number – processing time for applicants completing application process, TBD section number – establishing exam scores

Status: Included on the 2016 Rulemaking Calendar.

Continuing Competency

CCR Section(s) Affected: Title 16, Division 13.2, Article 13, Section(s) 1399.90-1399.98

Status: Included on the 2016 Rulemaking Calendar.

Delegation Authority for Citation Informal Conferences (Cite and Fine)

CCR Section(s) Affected: Title 16, Division 13.2, Article 13, Section 1399.29

Status: Proposal Abandoned – determined not feasible at this time.

Physical Therapy Business Requirements

CCR Section(s) Affected: To be determined

Status: Included on the 2016 Rulemaking Calendar with the Review and/or Update of Application and Licensing Regulations.

Telehealth

CCR Section(s) Affected: To be determined

Status: Proposal Inactive may be considered in a future Rulemaking Calendar year.



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

Briefing Paper

Date: October 9, 2015

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Retired Status Requirements

Purpose: To propose language establishing procedures for a licensee with a current, valid and unrestricted license to apply for retired status.

Attachments: [Proposed regulatory language, "Request for Retired Status" form](#) and ["Request to Restore Active License Status" form](#).

Background: SB 198 added Business and Professions Code (BPC) § 2648.7 to the Physical Therapy Practice Act (Act) when it was chaptered into law. The amendment to the Act exempts a licensee from the payment of the renewal fee and from meeting the requirements set forth in Section 2649 (Continuing Competency) if the licensee applies to the board for license status. A licensee in retired status pursuant to this section shall not engage in the practice of, or assist in the provision of, physical therapy unless the licensee applies for renewal and meets all of the renewal requirements set forth in Section 2644.

Analysis:

Article 4. Renewal of Licenses includes BPC Sections 2644 through 2649. This briefing paper will refer to the following specific sections:

BPC § 2644 requires:

- (a) *Every license shall expire at 12 a.m. on the last day of the birth month of the licensee during the second year of a two-year term, if not renewed.*
- (b) *To renew an unexpired license, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form prescribed by the board, pay the prescribed renewal fee, and submit proof of the completion of continuing competency required by the board pursuant to Section 2649. The licensee shall disclose on his or her license renewal application any misdemeanor or other criminal offense for which he or she has been found guilty or to which he or she has plead guilty or no contest.*

BPC § 2647

A person who fails to renew his or her license within five years after its expiration may not renew it, and it shall not be reissued, reinstated, or restored thereafter. However, the person may apply for a new license if he or she satisfies the requirements set forth in Article 3 (commencing with Section 2635).

BPC § 2648.7

A licensee is exempt from the payment of the renewal fee and from meeting the requirements set forth in Section 2649 if he or she has applied to the board for retired license status. A holder of a license in retired status pursuant to this section shall not engage in the practice of, or assist in the provision of, physical therapy unless the licensee applies for renewal and meets all of the requirements as set forth in Section 2644.

To further define, clarify and implement the Board's administration of the statute, staff proposes the following:

- A licensee applying for retired status shall have a current, valid and unrestricted license in order to enter into retired status. This prevents a licensee from entering into retired status to avoid payment of delinquent fees.
- The proposed language considers a license expired once it enters into retired status since it is no longer a license to practice.
- Denies a request for retired status to a licensee whose license is suspended, placed on probation, revoked, or is otherwise subject to disciplinary action, i.e. an Accusation has been filed. This prevents a licensee from entering into retired status and tolling probation.
- Since BPC § 2648.7 requires a licensee to apply to the Board for retired status and conversely BPC § 2644 requires a licensee to apply to the Board for renewal, the Board must develop a form for entering into and out of retired status.
- Clarifies the licensee is still under the jurisdiction of the Board while in retired status and therefore is required to comply with the Physical Therapy Practice Act and regulations governing the protection of consumers of physical therapy, i.e. maintain a current address, reporting requirements, etc.
- Requires the licensee in retired status to either reactive the license within five years from the date of expiration or go delinquent and the license will be cancelled in retired status. This is consistent with all licensees pursuant to BPC § 2647 thereby eliminating the Board's responsibility to ensure the licensee's compliance with the laws and regulations governing the protection of the consumers of physical therapy.

Action Requested:

Adopt the proposed language as written or modify the proposed language and direct staff to proceed with the rulemaking process.

The Physical Therapy Board of California proposes to add section 1399.59 to Article 10, Division 13.2, Title 16 of the California Code of Regulations, to read as follows:

(a) A physical therapist or physical therapist assistant license that is current and valid, and whose license is not suspended, revoked, or otherwise restricted by the board or subject to discipline, may request retired status. A license shall be considered expired upon approval of the request.

(b) The board shall deny a request for retired license status if the license is suspended, placed on probation, revoked, or is otherwise subject to disciplinary action under this chapter.

(c) The request shall be on a form prescribed by the board titled "Request for Retired License Status (RS-112015)."

(d) The licensee shall disclose under penalty of perjury whether the licensee has any misdemeanor or other criminal offense for which he or she has been found guilty or to which he or she has pleaded guilty or no contest.

(e) A licensee in retired status shall not engage in any activity for which an active license is required.

(f) A licensee in retired status shall comply with the Physical Therapy Practice Act and Board's regulations.

(g) In order to restore a license from retired status to active status, the licensee shall:

(1) Complete a form prescribed by the board titled "Request to Restore License to Active Status (AS-112015)".

(2) Pay the biennial renewal fee in effect at the time the request to restore the license to active status is received.

(3) Satisfy continuing competency requirements pursuant to section 2649 of the Code.

(h) A person who fails to renew his or her retired license within five years may not renew it, and it shall become expired and not be reissued, reinstated, or restored thereafter. However, the person may apply for a new license if he or she satisfies the requirements set forth in Article 3.

(i) Failure to comply with this section is unprofessional conduct and grounds for citation or discipline.

Note: Authority cited: Sections 2615, Business and Professions Code. Reference: Sections 118, 125.9, 2647, 2648.7, 2660 and 2688, Business and Professions Code.

Request for Retired License Status

Failure to provide any requested data may prevent or significantly delay the processing of your request. Submit completed forms by mail, fax or email. You can verify your Retired status on the PTBC website under "Verify a License".

Licenses in Retired status are prohibited from engaging in the practice of, or assisting in the provision of, physical therapy services. Such licensees are exempt from the renewal fee and continuing competency requirements.

SECTION A: Personal Information			
License Type:	<input type="checkbox"/> PT	<input type="checkbox"/> PTA	License Number
First Name	Middle Name	Last Name	
Work Phone - -	Daytime Phone - -	Email Address	

SECTION B: Mandatory Conviction and License Disciplined Disclosure Question
Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body? Have you been convicted of or pled guilty or nolo contendere to any felony, misdemeanor, infraction or other criminal offense under the laws of any state, the United States, or a foreign country, including any conviction which has been dismissed under Section 1203.4 of the Penal Code? If you are awaiting judgment and sentencing following entry of a plea or jury verdict, you must still disclose the conviction.
<input type="checkbox"/> *Yes <input type="checkbox"/> No
<small>*If you answered yes to this question please provide details. If you have had a license disciplined, provide certified copies of the disciplinary order and any documentation of rehabilitation to the PTBC. If you have been convicted, please provide CERTIFIED TRUE COPIES of the court and arrest records for each criminal offense to the PTBC. Mail all documents within 30 days to: PTBC 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815</small>

SECTION D: Declaration
By signing below, I am requesting Retired Status. I understand that I am prohibited from engaging in the practice of, or assisting in the provision of physical therapy. I declare under penalty of perjury under the laws of the State of California that the information given above is true and correct; and, I am the person who was issued a license by the Physical Therapy Board of California.
Signature: _____ Date: _____

Request to Restore Active License Status

Failure to provide any requested data may prevent or significantly delay the processing of your request. Submit completed forms by mail, fax or email. You can verify your license status on the PTBC website under "Verify a License".

SECTION A: Personal Information			
License Type:	<input type="checkbox"/> PT	<input type="checkbox"/> PTA	License Number
First Name	Middle Name	Last Name	
Work Phone - -	Daytime Phone - -	Email Address	

SECTION B: Continuing Competency
To obtain Active Status, the law requires that you complete continuing education equivalent to that required for a single renewal period of an active license. The continuing competency activity must have been completed within the last two years prior to applying to restore the license to active status. Continuing Competency completed more than two years before the request cannot be considered.
<input type="checkbox"/> I have completed continuing education required as described above.

SECTION C: Mandatory Conviction and License Disciplined Disclosure Question
Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body? Have you been convicted of or pled guilty or nolo contendere to any felony, misdemeanor, infraction or other criminal offense under the laws of any state, the United States, or a foreign country, including any conviction which has been dismissed under Section 1203.4 of the Penal Code? If you are awaiting judgment and sentencing following entry of a plea or jury verdict, you must still disclose the conviction.
<input type="checkbox"/> *Yes <input type="checkbox"/> No
<small>*If you answered yes to this question please provide details. If you have had a license disciplined, provide certified copies of the disciplinary order and any documentation of rehabilitation to the PTBC. If you have been convicted, please provide CERTIFIED TRUE COPIES of the court and arrest records for each criminal offense to the PTBC. Mail all documents within 30 days to: PTBC 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815</small>

SECTION D: Declaration
By signing below, I am requesting to restore my license to Active Status. I declare under penalty of perjury under the laws of the State of California that the information given above is true, correct and that I am the person who was issued a license by the Physical Therapy Board of California.
Signature: _____ Date: _____



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: 10/15/2015

Prepared for: PTBC Members

Prepared by: Carl Nelson

Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activities for Jul – Sep (Q1), CY 2015/16.

Attachments: [Budget Expenditure Report 11 \(A-1\)](#)
[Expenditure Measures Report 11 \(A-2\)](#)
[Revenue Measures Report 11 \(A-3\)](#)
[Expenditure Definition Key 11 \(A-4\)](#)
[Revenue Definition Key 11 \(A-5\)](#)

Background:

This current fiscal year (CY 15/16), the PTBC has a total budget authority of \$3,803,000. This authority may change should the PTBC request a budget augmentation for Attorney General cost during the fiscal year.

Currently, the PTBC continues to experience a structural fund imbalance. Specifically, the application and licensing fees charged do not sustain the ongoing operations of the PTBC beyond FY 2017/18. To address this issue, the PTBC is pursuing a fee increase through regulation. Staff is continuing to provide analysis to the Office of Administrative Law for regulation approval. The PTBC is requesting an effective date of January 1, 2016 to avoid insolvency.

For the first quarter, staff has provided a budget expenditure measure report and revenue measure report, which includes a definition key for reference.

Analysis:

In reviewing this CY 2015/16, first quarter revenues and expenditures, the staff identified the following:

Expenditures

- Personnel Services



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



The Personnel Services budget allotment is \$1,723,654 and expenditures \$404,173 or 24% of the budget. The PTBC has exceeded its budget allotment in temp help. Over expenditures are common in the temp help line item, as the PTBC has no budget authority in this budget line-item and temporary help is relied upon in as a resource to alleviate excessive backlogs within its application and licensing programs. In addition, historically, the PTBC over spends its board member per diem budget line-item, as the line-item does not have sufficient funds allocated to meet the volume of workload; therefore, it was necessary to redirect funds from the Operating Expense & Equipment (OE&E) budget to support these cost.

In comparison to FY14/15 (Q1), the PTBC personnel services expenditures increased this year by \$12,296 or 2 %.

➤ Operating Expense & Equipment

The Operating Expense & Equipment (OE&E) budget allotment is \$2,079,346 and expenditures \$546,800 or 25% of the OE&E budget. In comparison to the first quarter of FY14/15 OE&E expenses have increased by 15% with marked increases of \$58,000 in Departmental Services (Pro Rata).

Revenues

The PTBC received a revenue collection of \$1,091,807 (as of 9/30/15), including reimbursements. At this rate, the PTBC projects revenues of \$4,367,228 (year-end).

In comparison to FY14/15, the PTBC is consistent with its revenue collections, with the exception of a decrease in license renewals through the first quarter. This is more than offset by the first installment payback of the \$1,500,000 General Fund Loan. The PTBC has received \$1,050,000 to date plus interest of \$15,360. It should be noted that all revenue is paid into the PTBC Fund. Even with the repayment, the PTBC projects insolvency in FY2017/18.

Action Requested:

No action required.

Physical Therapy Board of California
CY 2015/16 Budget Expenditure Report

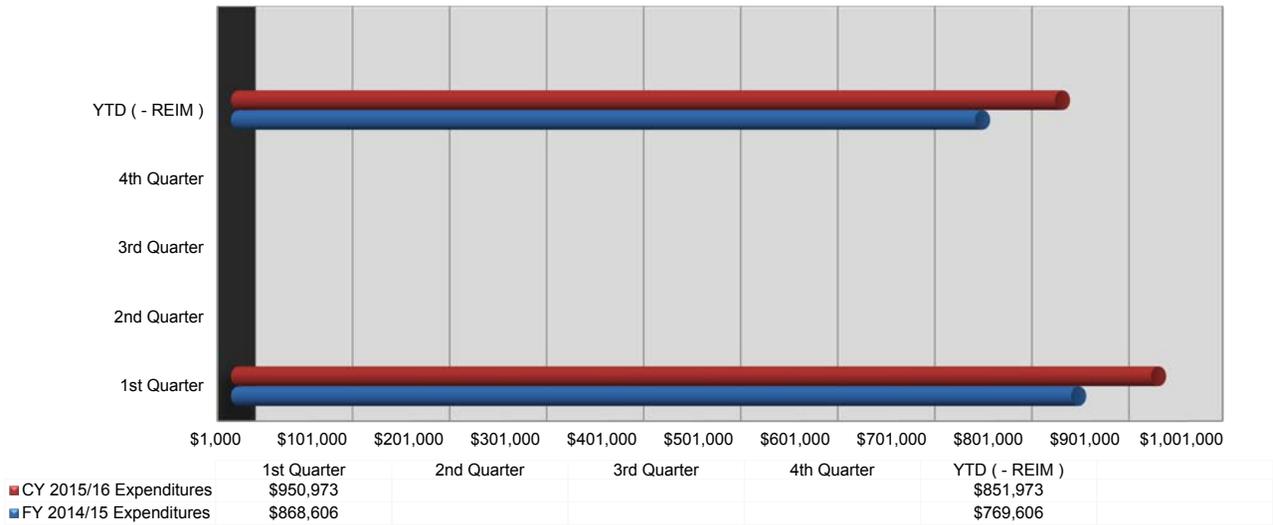
1st Quarter (7/1/15-9/30/15)

Budget Line-Items	FY 2014/15		CY 2015-16			
	Expended 9/30/2014	Expenditures (Year-end)	Authorized Budget	Expended (As of 9/30/15)	% Budget	Balance
Personnel Services						
Personnel Services Totals	391,877	1,643,016	1,723,654	404,173	23%	1,319,481
Civil Services Permanent	216,003	881,329	1,031,904	221,575	21%	810,329
Statutory Exempt	20,232	82,484	79,344	20,739	26%	58,605
Temp help	19,177	101,311	0	21,572	-	(21,572)
Board Members	2,700	31,400	29,786	4,100	14%	25,686
Overtime	0	413	0	0	-	0
Staff Benefits	133,765	546,079	582,620	136,187	23%	446,433
*TOTAL PERS SVS	391,877	1,643,016	1,723,654	404,173	23%	1,319,481
Operating Expenses & Equipment						
General Services Totals	48,997	278,882	383,864	50,274	13%	333,590
Fingerprints	6,042	33,267	99,090	5,944	6%	93,146
General Expense	2,413	21,763	23,155	1,622	7%	21,533
Minor Equipment	2,673	9,931	3,200	0	0%	3,200
Major Equipment	0	0	6,000	0	0%	6,000
Printing	103	7,861	7,972	1,450	18%	6,522
Communications	983	11,402	11,707	1,197	10%	10,510
Postage	5,543	31,695	32,148	7,613	24%	24,535
Travel in State	0	17,947	26,539	296	1%	26,243
Training	0	430	1,288	0	0%	1,288
Facilities Operations	27,405	113,171	118,121	27,740	23%	90,381
C&P Services Interdepartmental	0	0	1,828	0	0%	1,828
C&P Services External	3,835	31,415	52,816	4,412	8%	48,404
Departmental Services Totals	177,398	765,900	604,249	235,580	39%	368,669
OIS Pro Rata	85,197	389,025	229,786	136,000	59%	93,786
Indirect Distributed Cost	45,216	188,201	189,865	58,000	31%	131,865
Interagency Services	0	0	9,086	0	0%	9,086
DOI Pro Rata	1,411	5,358	4,642	1,250	27%	3,392
Public Affairs Pro Rata	1,376	5,224	6,505	1,500	23%	5,005
CCED Pro Rata	1,510	6,002	8,038	2,000	25%	6,038
Consolidated Data Center	300	1,355	6,397	821	13%	5,576
Data Processing	0	1,184	5,930	0	0%	5,930
Central Admin Services Pro Rata	42,388	169,551	144,000	36,009	25%	107,991
Exams Totals	215	6,483	7,050	1,583	0%	5,467
Exam Administrative External	0	0	0	0	-	0
Exam Contracts	215	6,483	7,050	1,583	-	5,467
Exam Subject Matter Experts	0	0	0	0	-	0
Enforcement Totals	250,118	1,411,903	1,183,183	259,363	22%	923,820
Attorney General	100,129	632,454	427,668	104,982	25%	322,686
Office of Admin Hearings	0	109,382	59,584	0	0%	59,584
Evidence/Witness	10,983	104,422	100,145	4,777	5%	95,368
Court Reporters	309	5,589	0	604	-	(604)
DOI Investigation	138,697	560,056	595,786	149,000	25%	446,786
*TOTALS OE & E	476,728	2,463,168	2,178,346	546,800	25%	1,631,546
*TOTALS, PERS SVS AND OE & E	868,605	4,106,184	3,902,000	950,973	24%	2,951,027
Scheduled Reimbursements	(97,000)	(33,075)	(97,000)	(10,112)		(86,888)
Unsheduled Reimbursements	(2,000)	(65,925)	(2,000)	(2,000)		
**TOTALS	769,605	4,007,184	3,803,000	938,861	25%	2,864,139

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

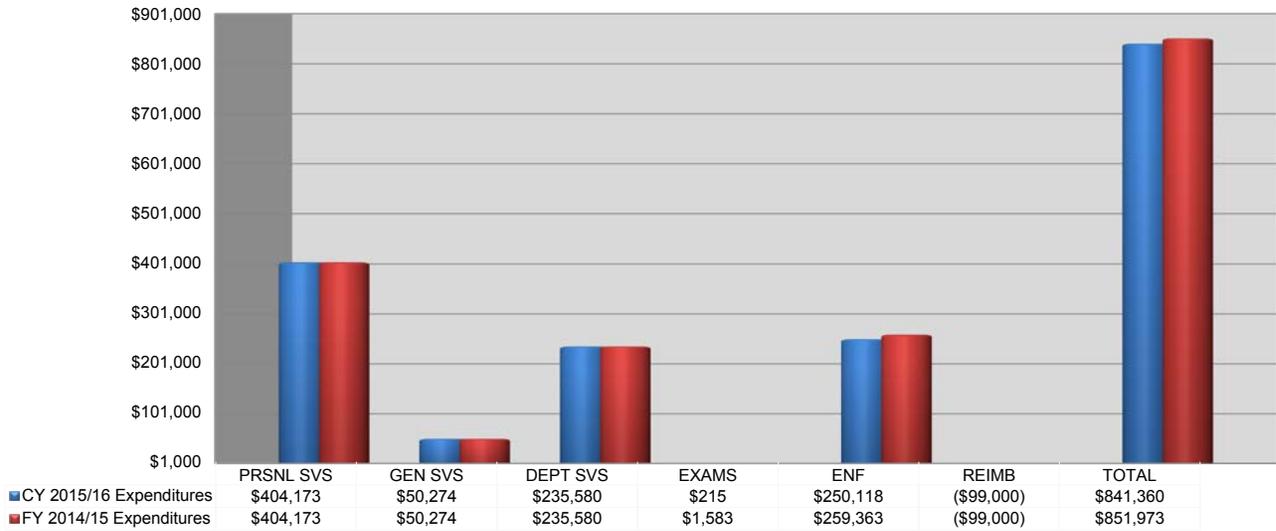
**Physical Therapy Board of California
CY 2015/16 Expenditure Measures Report
4th Quarter (As of 9/30/15)**

Expenditure Measures (Quarterly)



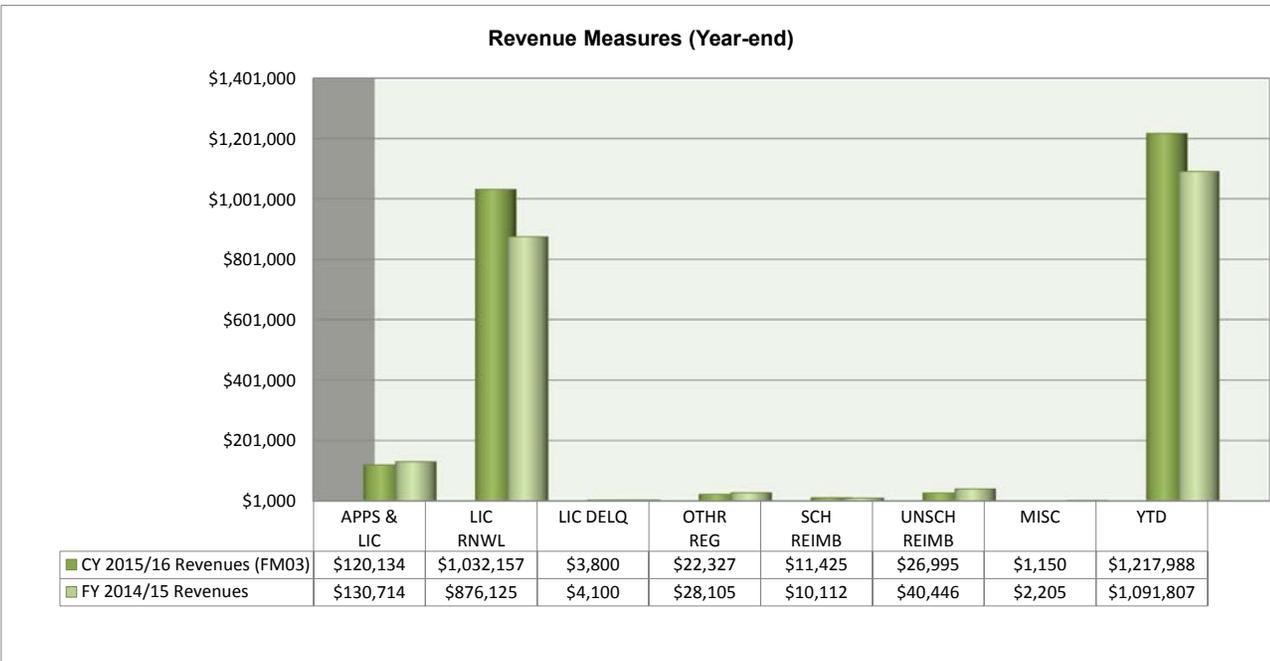
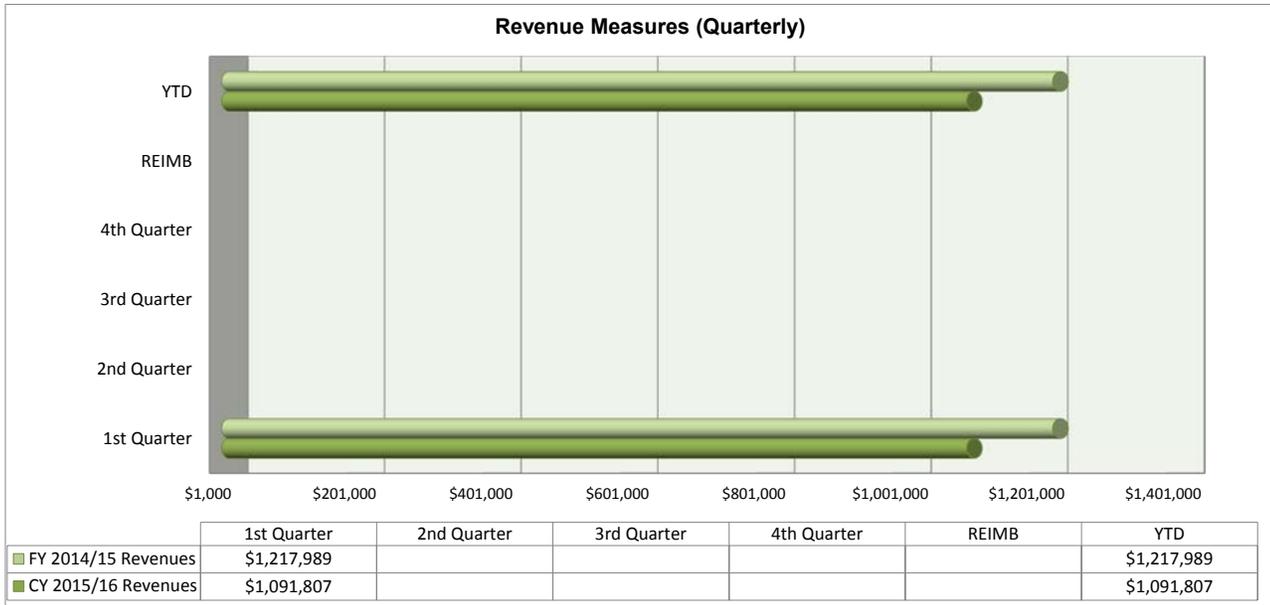
Notes:
CY 2014/15 Budget Authority \$3,900,589

Expenditure Measures (Year-end)



Notes:
CY 2015/16 (FM 3)
FY 2014/15 Actual Expenditures (FM13)

**Physical Therapy Board of California
CY 2015/16 Revenue Measures Report
1st Quarter (As of 9/30/15)**



Agenda item 11 A (3) Revenue Measures Report

Physical Therapy Board of California
Expenditure (Line-Item) - Definition Key

PERSONNEL SERVICES	
Civil Services Permanent	Salary and wages of civil service - permanent employees (i.e. authorized).
Statutory Exempt	Employees appointed/elected to state (i.e. Executive Officer).
Temp help	Blanket positions (i.e. Student Assistant, Permanent Intermittent, etc.).
Board Commission	Exempt/Statutory - Per Diem (i.e. Board Members per diem reimbursement).
Overtime	Ordered work time in excess of regular scheduled workweek.
Staff Benefits	Benefits for both authorized and temporary positions (i.e. health, dental, vision, retirement, etc).
GENERAL SERVICES	
Fingerprints	Fingerprint Reports (i.e. criminal and background checks completed by DOJ for new employees, applicants and licensees).
General Expense	Office supplies, freight/drayage (FedEx shipping), transcription services, admin overhead (DGS service fees; purchase orders, contracts, etc.), library purchase/subscription, mail equipment maintenance).
Minor Equipment/Major Equipment	Minor Equipment (Replacement/Additional) less than \$5,000 per unit (i.e. printer, copier, office furniture, etc.). Major Equipment (Replacement/Additional) over \$5,000 per unit (i.e. Copiers)
Printing	Printing costs (i.e. Newsletter's, booklets, etc.).
Communication	Communications costs (i.e. cell phones, office land lines and fax line, etc.).
Postage	Stamps, registered and certified mail charges, postage meter, postage charges by DCA mail room and license renewal notices processed by EDD, etc.
Travel in State	Per Diem, commercial air, private car (mileage, tolls, parking), rental car (rental, gas, parking, etc.), CalAters (transaction fees).
Training	Tuition and registration fees for training classes and conferences (i.e. DCA - SOLID, State Training Center, Other Vendors).
Facilities Ops	Rent - Building and Grounds (Non-State Owned), includes, self storage and overtime utility charges.
C&P Services Internal	Consultant/Professional (Inter-departmental) services provided by other state agencies or interagency agreement with DCA.
C&P Services External	Consultant/Professional Services - Interdepartmental for credit card processing (i.e. credit card transactions for online license renewals and American Express).
Departmental Services Totals	
Office of Information Services	Pro-rata: Cost based on assessment to support the DCA, Office of Information Systems (OIS).
Indirect Distributed Cost	Pro-rata: Cost based on assessment to support the DCA, Office of Administrative Services (OAS).
Division of Investigation Pro Rata (DOI)	Pro-rata: Cost based on assessment to support Division of Investigations (DOI) services. (Investigating PTBC enforcement cases, administering new employment background checks, etc.)
Public Affairs Pro Rata	Pro-rata: Cost based on assessment to support Office of Public Affairs. (media inquiries, creating and executing marketing plans, and developing consumer education and media campaigns, i.e. graphic art designs for publications, business cards, website, etc.).
Program and Consumer Services Division (PCSD)	Pro-rata: Cost based on assessment to support Program and Consumer Services Divions. (develops partnerships with all facets of DCA, by working with all its various programs to convey their messages to the public. Publications, outreach and correspondence for consumers.
Interagency Services	Services provided by another DCA-Board to PTBC (inter-agency agreement).
Consolidated Data Center	TEALE data center (i.e. Board's costs for number of records on Consumer Affairs System (CAS).
Data Processing Maintenance & Supplies	Data Processing (DP) provide information technology services (i.e. maintenance, security services, archival services, etc.; copier and printer paper, software, hardware and electronic waste recycling and disposal).
Central Admin Services (Pro Rata)	Pro-rata (Statewide) assessment to support of Personnel Board, Department of Finance, State Controller, State Treasurer, Legislature, Governor's office, etc.).

**Physical Therapy Board of California
Expenditure (Line-Item) - Definition Key**

Exams Totals	
C/P Administrative	External -Consultant/Professional Services (i.e. FSBPT service contract).
C/P Exam Subject Matter Experts	External -Consultant/Professional Services: Wages for services provided by Subject Matter Experts in the oral/written exam process, including travel.
Enforcement Totals	
Attorney General	Legal services provided by the Attorney General's Office.
Office of Admin Hearings	Services provide by Office of Administrative Hearings (i.e. hearing officer, judges' and filing fees).
Evidence/Witness	Payment of witness fees, including hourly wages and travel expenses, undercover operative fees, films and flash bulbs and includes medical services for use as evidence.
Court Reporters (C/P -External)	Services provided for court reporter services and invoices for transcriptions provided by a private vendor (i.e. hearing transcripts, etc.).
DOI Investigation	Services provided by Division of Investigations (DOI) for investigative services.

**Physical Therapy Board of California
Revenue (Line-Item) - Definition Key**

SCHEDULED REIMBURSEMENTS	
Fingerprint Cards	Reimbursements received for the assessment of fingerprint processing fees
External/Private Grant	Reimbursements received for OIS Public Sales
UNSCHEDULED REIMBURSEMENTS	
Investigative Cost Recovery	Unscheduled reimbursements for cost recovery directly recovered by the Board
Probation monitoring Cost Recovery	Unscheduled reimbursements for cost recovery for probation monitoring costs.
OTHER REGULATORY	
Citation/Fine FTB Collection	Fines collected by the State of California Franchise Tax Board
Admin Citation Fines-Variou	Fines collected for administrative citations
Endorsement Fee	Fees collected to provide an endorsement of a license to another State Board
Duplicate License/Certification Fee	Fees collected for production of a duplicate license or wall certificate
OTHER REGULATORY LICENSES AND PERMITS	
Foreign Application Fee PTA	Application for licensure fee for foreign educated Physical Therapist Assistants
Foreign application Fee PT	Application for licensure fee for foreign educated Physical Therapists
Application Fee & Initial License-PTA	Application and Initial License Fee for U.S educated Physical Therapist Assistants
Application Fee PT	Application fee for U.S educated Physical Therapists
Initial License -PT	Initial License fee for U.S. educated Physical Therapists
Over/Short Fees	Fees paid over or short of established application fee amounts
Suspended Revenue	PTBC cashier suspends revenue temporarily while trying to identify correct revenue type.
Prior Year Revenue Adjustment	Correction of prior year revenue reported
RENEWAL FEES	
Renewal - ENMG	Payment for renewal of ENMG Certification
Renewal - KEMG	Payment for renewal of KEMG Certification
Biennial Renewal - PTA	Renewal fee for PTA licenses
Biennial Renewal - PT	Renewal fee for PT licenses
SALES OF DOCUMENTS	
Sale of Public Documents	Sale of PTBC licensing Files for a fee.
INCOME FROM SURPLUS MONEY INVESTMENTS	
Interest Earned	Quarterly apportionment by SCO of earned interest from investment
REVENUE CANCELLED WARRANTS	
Cancelled warrants	Cancelled warrant (check) paid to a party that went uncashed for one year
MISCELLANEOUS INCOME	
MISCELLANEOUS INCOME	Revenue designated as miscellaneous by PTBC cashiering
DISHONORED CHECK FEE	
Dishonored Check Fee	Revenue from charge for a dishonored check



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: October 5, 2015
Prepared for: PTBC Members
Prepared by: Jacki Maciel
Subject: Outreach Report

Purpose:

To provide an update on the PTBC's outreach activities for Jul – Sep (Q1), Current Year 2015/16.

Attachments: [Outreach Statistics 11 \(B-1\)](#)

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. In addition, 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.

The quarterly reports are compiled of statistical data reflecting the PTBC's social media website and Facebook accounts. The data is collected each month throughout the fiscal year and presented quarterly: Jul – Sep (Q1), Oct – Dec (Q2), Jan – Feb (Q3) and Apr – Jun (Q4). The social media analytics provide valuable information regarding the number of visitors to our page and the number of page views. In addition, the statistics help gauge traffic and provides feedback on our posts, such as; sharing, total likes, comments and the community sharing our information.

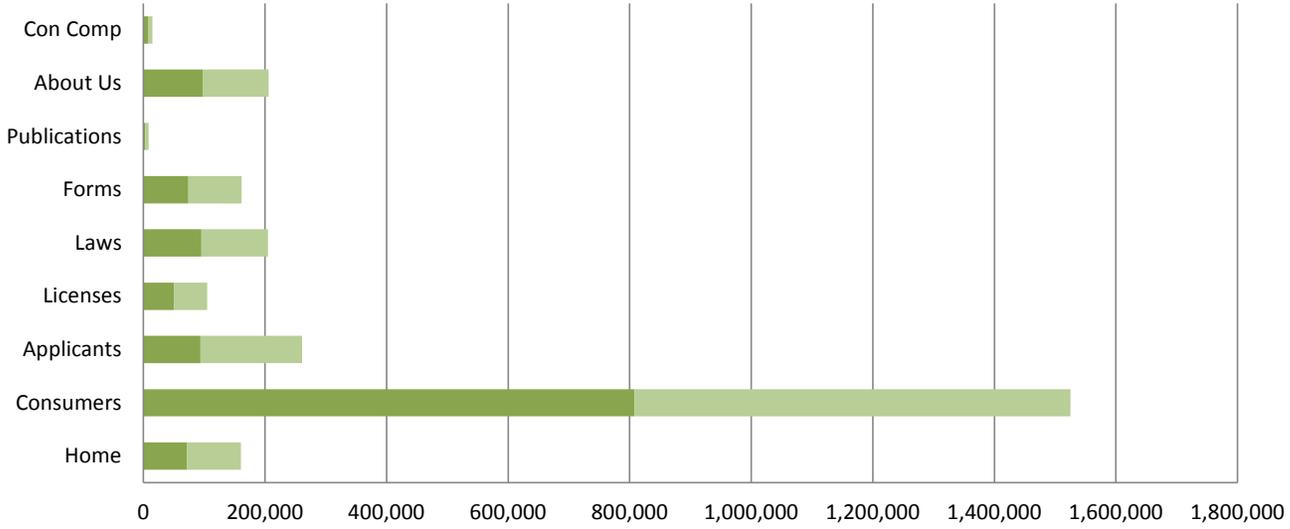
Analysis:

Website – Consumer tab reflected the most significant increase of 12.6%. As BreZE continues to develop, the website analytics will continue to vary due to research and testing, which impacts the numbers.

Facebook – Total likes significantly increased to 2,087 likes, which reflects a 22% increase from FY14/15 (Q1).

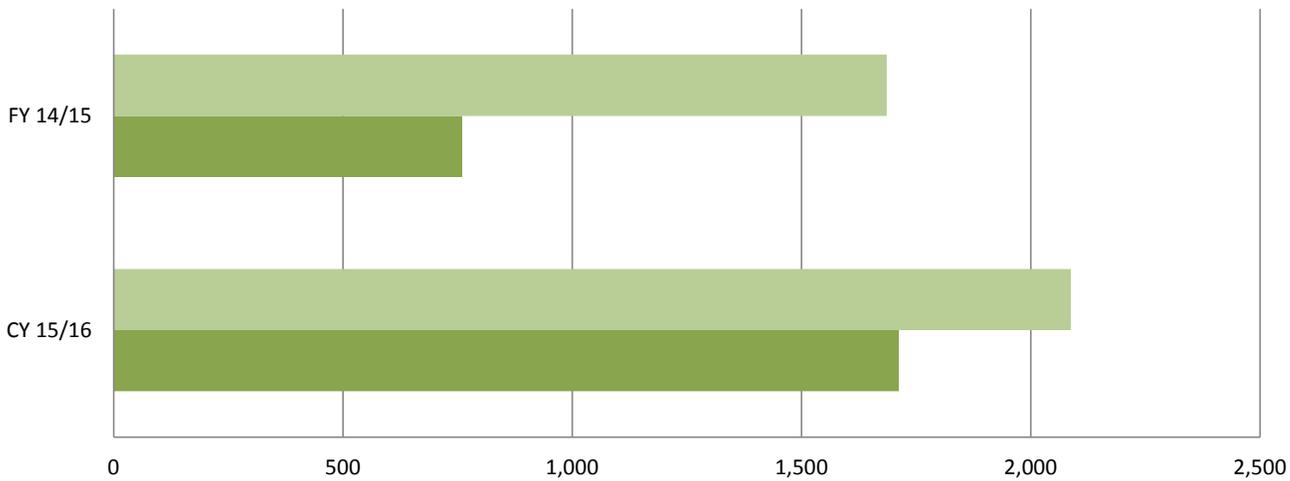
Action: No Action Required.

Web-hits (1st Quarter)



	Home	Consumers	Applicants	Licenses	Laws	Forms	Publications	About Us	Con Comp
■ CY 15/16		807,775	93,743	50,623	95,253	74,198	3,408	97,970	7,300
■ FY 14/15	88,717	717,231	167,144	54,495	109,943	87,330	5,353	108,308	7,553

Facebook (1st Quarter)



	CY 15/16	FY 14/15
■ Likes	2,087	1,686
■ Visits	1,712	760



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: 10/15/15

Prepared for: PTBC Members

Prepared by: Sarah Conley

Subject: Application and Licensing Services Report

Purpose:

To provide an update on PTBC’s application, examination and licensing activities for Jul – Sep (Q1), Current Year 201516 (CY 15/16).

Attachments: Application and Licensing Statistics Report (12 - A)

Background:

The Application and Licensing Services programs is a core function of the PTBC, as the staff is responsible for ensuring all applicants and licensees meet the statutory and regulatory requirements for licensure in a timely and efficient manner. These requirements are met through the application, examination and licensure process.

The quarterly reports are compiled of statistical data reflecting the volume and status of applications and licensure, including examinations. The data is collected each month throughout the fiscal year and presented quarterly: Jul – Sep (Q1), Oct – Dec (Q2), Jan – Feb (Q3) and Apr – Jun (Q4). The staff utilizes the data to assess and improve inefficiencies within the process, in addition to, identify any resource deficiencies.

Analysis:

Operational Updates:

As the PTBC prepares for the upcoming release of BreEZe; projects, including those discussed at the last meeting, have been reprioritized. The BreEZe project has been a significant component of the PTBC’s future planning and development; however, now it is truly the driving force. Recently, staff has assessed existing business processes with legacy systems and determined how these processes may be impacted by the transition to BreEZe; this is being done both with the assistance of the DCA’s Operational Change Management (OCM) Team through what is referred to as gap analysis and internally amongst project lead staff. The assessment has been a necessary and constructive exercise as staff has been able to identify current process performance, and make projections on how performance will be impacted by BreEZe. This process has been instrumental, so much so, the staff began implementing various business processes (applicable) similar to those developed in BreEZe.

The staff has become very familiar with these processes and refers to them as working in “Pre-BreEZe Mode”. One of the significant changes was the Application Deadline Calendar. The PTBC released its 2016 and 2017 calendar, which was revised to allow submission of Certificate of Completion (P1E) after the application deadline. This change will alleviate concerns from applicants and schools regarding the application deadlines conflicted with program completion dates, which enabled applicants in obtaining P1E’ by the deadline; thus, hindered applicants accessibility to the exams. This change will also allow staff much needed additional time to process the applications.

In addition, staff had increased, as much as permitted with existing resources, its phone, email and social media communication efforts in response to stakeholder feedback presented during the last board meeting; however, the efforts were quickly thwarted when BreEZe User Acceptance Testing (UAT) commenced on September 23rd. Unfortunately, it was one-step-forward, two-steps-back. With the BreEZe Go-Live date of January 2016 and a full calendar for most staff leading up to this date as well as routine assignments; however, staff will continue its communication efforts attentively.

On this same note, again to address stakeholder feedback and due to staffing shortfalls, staff executed proactive efforts to assess license records (exception reports) in attempt to facilitate timely resolutions to renewal deficiencies or discrepancies. Deficiencies are the most common reason a license renewal application is not approved; however, there are other variables that can prevent license issuance - the most prominent is address change issues. This change will provide a more timely and efficient renewal process.

Statistics Report Updates:

Application

The PTBC received 631 applications for initial licensure and 4,394 applications for renewal, a total of 5,025 applications; and, issued 684 initial licenses and 3,690 renewal licenses, issuing a total of 4,374 licenses. In comparison to FY14/15 (Q1), the PTBC received 1,260 or 33.47% more applications during CY15/16 (Q1).

Licensing

During FY15/16 (Q1), the PTBC had a license population of 28,799 in active status and 6,972 licensees inactive, delinquent and retired status, totaling 35,771. In FY14/15 (Q1), statistics show 27,620 licensees in active status and 6,623 in inactive, delinquent and retired status, reflecting 1,179 increase in active status and 9,817 increase in inactive, delinquent and retired status during CY15/16 (Q1). As process, the inactive and delinquent licensees are eligible for renewal and may become active status at any time upon meeting requirements. Overall, the licensee population increased from 34,243 to 35,771 or 4.46%, which is higher than the average 4% increase.

Examination

Aside from the expected increase in PT exams, due to the increase in applications, the staff did not identify significant changes to report.

Action Requested:

No action required.

**Application and Licensing Statistics Report
CY 2015/16 - 1st Quarter (7/1/15-9/30/15)**

Physical Therapy Board of California - APPLICATION STATISTICS

Applications Received

Type	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1 TOTAL	Q2			Q2 TOTAL	Q3			Q3 TOTAL	Q4			Q4 TOTAL	CY 2015/16
						Jul	Aug	Sep		Oct	Nov	Dec		Jan	Feb	Mar		Apr	May	Jun		
PT	419				419	105	168	182	455												455	
FPT	59				59	17	29	17	63												63	
FPTA	39				39	5	6	4	15												15	
PTA	94				94	19	57	18	94												94	
E-PTA	5				5	1	1	1	3												3	
EK	0				0	0	0	0	0												0	
EN	0				0	0	1	0	1												1	
Total	616				616	147	262	222	631												631	

Licenses Issued

Type	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1 TOTAL	Q2			Q2 TOTAL	Q3			Q3 TOTAL	Q4			Q4 TOTAL	CY 2015/16
						Jul	Aug	Sep		Oct	Nov	Dec		Jan	Feb	Mar		Apr	May	Jun		
PT	329				329	100	294	129	523												523	
PTA	103				103	33	78	50	161												161	
EK	0				0	0	0	0	0												0	
EN	0				0	0	0	0	0												0	
Total	432				432	133	372	179	684												684	

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

Renewal Applications Received

Type	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1 TOTAL	Q2			Q2 TOTAL	Q3			Q3 TOTAL	Q4			Q4 TOTAL	CY 2015/16
						Jul	Aug	Sep		Oct	Nov	Dec		Jan	Feb	Mar		Apr	May	Jun		
PT	2,657				2,657	920	1,644	958	3,522												3,522	
PTA	482				482	251	380	216	847												847	
EK	2				2	2	2	1	5												5	
EN	2				2	2	2	1	5												5	
Total	3,143				3,143	1,175	2,028	1,176	4,379												4,379	
EK	2				2	2	2	1	5												5	
EN	2				2	2	2	1	5												5	
Total	3,149				3,149	1,181	2,034	1,179	4,394												4,394	

Renewal Licenses Issued

Type	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1 TOTAL	Q2			Q2 TOTAL	Q3			Q3 TOTAL	Q4			Q4 TOTAL	CY 2015/16
						Jul	Aug	Sep		Oct	Nov	Dec		Jan	Feb	Mar		Apr	May	Jun		
PT	2,752				2,752	974	1,022	951	2,947												2,947	
PTA	706				706	264	243	229	736												736	
EK	3				3	2	1	0	3												3	
EN	3				3	1	3	0	4												4	
Total	3,464				3,464	1,241	1,269	1,180	3,690												3,690	

**Application and Licensing Statistics Report
CY 2015/16 - 1st Quarter (7/1/15-9/30/15)**

Physical Therapy Board of California - LICENSE STATUS STATISTICS

Active Licenses

Type	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1 TOTAL	Q2			Q2 TOTAL	Q3			Q3 TOTAL	Q4			Q4 TOTAL	AS OF 10/1/15
						Jul	Aug	Sep		Oct	Nov	Dec		Jan	Feb	Mar		Apr	May	Jun		
PT	22,159				22,159	22,639	22,944	22,956	22,956												22,956	
PTA	5,407				5,407	5,679	5,787	5,790	5,790												5,790	
EK	30				30	31	31	31	31												31	
EN	24				24	22	22	22	22												22	
Total	27,620				27,620	28,371	28,784	28,799	28,799												28,799	

Inactive Licenses

Type	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1 TOTAL	Q2			Q2 TOTAL	Q3			Q3 TOTAL	Q4			Q4 TOTAL	AS OF 10/1/15
						Jul	Aug	Sep		Oct	Nov	Dec		Jan	Feb	Mar		Apr	May	Jun		
PT	1,454				1,454	1,604	1,613	1,614	1,614												1,614	
PTA	392				392	429	426	427	427												427	
Total	1,846				1,846	2,033	2,039	2,041	2,041												2,041	

**Licensees in inactive status are eligible for active status upon request and meeting CC requirements.*

Delinquent Licenses

Type	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1 TOTAL	Q2			Q2 TOTAL	Q3			Q3 TOTAL	Q4			Q4 TOTAL	AS OF 10/1/15
						Jul	Aug	Sep		Oct	Nov	Dec		Jan	Feb	Mar		Apr	May	Jun		
PT	3,667				3,667	3,763	3,750	3,791	3,791												3,791	
PTA	1,060				1,060	1,048	1,037	1,043	1,043												1,043	
EK	2				2	1	1	1	1												1	
EN	5				5	6	6	6	6												6	
Total	4,734				4,734	4,818	4,794	4,841	4,841												4,841	

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

Renewal Licenses - Fee Exemption/Waiver

Type	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1 TOTAL	Q2			Q2 TOTAL	Q3			Q3 TOTAL	Q4			Q4 TOTAL	AS OF 10/1/15
						Jul	Aug	Sep		Oct	Nov	Dec		Jan	Feb	Mar		Apr	May	Jun		
Military (E)	1				1	0	0	0	0												0	
Disability (W)	0				0	0	0	0	0												0	
Volunteer Service (W)	0				0	0	0	0	0												0	
Retired Status (E)	42				42	76	82	90	90												90	
Total	43				43				90												90	

Licensee obtain status by request and is subject to meeting requirements.

**Application and Licensing Statistics Report
CY 2015/16 - 1st Quarter (7/1/15-9/30/15)**

Federation of State Boards Physical Therapy - EXAMINATION STATISTICS

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

Accredited PT Program Pass/Fail

	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	CY 2015/16
						Jul	Aug*	Sep*	TOTAL	Oct	Nov*	Dec*	TOTAL	Jan	Feb*	Mar*	TOTAL	Apr	May*	Jun*	TOTAL	
Pass	217				217	271			271													271
Fail	29				29	29			29													29
Total	246				246	300			300													300
Pass Rate	88%				88%	90%			90%													90%

Foreign Educated PT Pass/Fail

	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	CY 2015/16
						Jul	Aug*	Sep*	TOTAL	Oct	Nov*	Dec*	TOTAL	Jan	Feb*	Mar*	TOTAL	Apr	May*	Jun*	TOTAL	
Pass	11				11	7			7													7
Fail	42				42	39			39													39
Total	53				53	46			46													46
Pass Rate	21%				21%	15%			15%													15%

Accredited PTA Program Pass/Fail

	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	CY 2015/16
						Jul	Aug*	Sep*	TOTAL	Oct	Nov*	Dec*	TOTAL	Jan	Feb*	Mar*	TOTAL	Apr	May*	Jun*	TOTAL	
Pass	99				99	116			116													116
Fail	50				50	53			53													53
Total	149				149	169			169													169
Pass Rate	66%				66%	69%			69%													69%

PTA Pass/Fail

	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	CY 2015/16
						Jul	Aug*	Sep*	TOTAL	Oct	Nov*	Dec*	TOTAL	Jan	Feb*	Mar*	TOTAL	Apr	May*	Jun*	TOTAL	
Pass	19				19	4			4													4
Fail	10				10	9			9													9
Total	29				29	13			13													13
Pass Rate	66%				66%	31%			31%													31%

*No examination administered

**Application and Licensing Statistics Report
CY 2015/16 - 1st Quarter (7/1/15-9/30/15)**

Federation of State Boards Physical Therapy - EXAMINATION STATISTICS

California Law Examination (CLE)

Accredited Pass/Fail

	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	CY 2015/16
						Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	
Pass	500				500	273	214	161														
Fail	243				243	128	81	62														
Total	743				743	401	295	223														
Pass Rate	67%				67%	68%	73%	72%														

Foreign Educated Pass/Fail

	Q1	Q2	Q3	Q4	FY 2014/15	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	CY 2015/16
						Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	
Pass	58				58	16	21	14														
Fail	64				64	10	14	10														
Total	122				122	26	35	24														
Pass Rate	48%				48%	62%	60%	58%														

**Application and Licensing Statistics Report
CY 2015/16 - 1st Quarter (7/1/15-9/30/15)**

Federation of State Boards Physical Therapy - EXAMINATION STATISTICS

National Physical Therapist (PT) and Physical Therapist Assistant (PTA) Examination - NATIONAL STATISTICS

Accredited PT Program Pass/Fail

PT	Q1	Q2	Q3	Q4	FY 2014/15	Q1			TOTAL	Q2			TOTAL	Q3			TOTAL	Q4			TOTAL	CY 2015/16
	Jul	Aug*	Sep*	Oct		Nov	Dec	Jan		Feb	Mar	Apr		May	Jun*							
Pass	4,575				4,575	4,613			4,613												4,613	
Fail	562				562	635			635												635	
Total	5,137				2,137	5,248			5,248												5,248	
Pass Rate	89%				89%	88%			88%												88%	

Foreign Educated PT Pass/Fail

PT	Q1	Q2	Q3	Q4	FY 2014/15	Q1			TOTAL	Q2			TOTAL	Q3			TOTAL	Q4			TOTAL	CY 2015/16
	Jul	Aug*	Sep*	Oct		Nov*	Dec*	Jan		Feb	Mar	Apr		May	Jun*							
Pass	239				239	324			324												324	
Fail	779				779	888			888												888	
Total	1,018				1,018	1,212			1,212												1,212	
Pass Rate	23%				23%	27%			27%												27%	

Accredited PTA Program Pass/Fail

PTA	Q1	Q2	Q3	Q4	FY 2014/15	Q1			TOTAL	Q2			TOTAL	Q3			TOTAL	Q4			TOTAL	CY 2015/16
	Jul	Aug*	Sep*	Oct		Nov	Dec*	Jan		Feb	Mar	Apr		May*	Jun*							
Pass	3,181				3,181	3,167			3,167												3,167	
Fail	654				654	755			755												755	
Total	3,835				3,835	3,922			3,922												3,922	
Pass Rate	83%				83%	81%			81%												81%	

Foreign Educated PTA Pass/Fail

PTA	Q1	Q2	Q3	Q4	FY 2014/15	Q1			TOTAL	Q2			TOTAL	Q3			TOTAL	Q4			TOTAL	CY 2015/16
	Jul	Aug*	Sep*	Oct		Nov*	Dec*	Jan		Feb*	Mar*	Apr		May*	Jun*							
Pass	84					67			67												67	
Fail	77					86			86												86	
Total	161					153			153												153	
Pass Rate	52%					44%			44%												44%	

*No examination administered

**Application and Licensing Statistics Report
CY 2015/16 - 1st Quarter (7/1/15-9/30/15)**

Federation of State Boards Physical Therapy - EXAMINATION STATISTICS

Jurisprudence (Law) Examination - NATIONAL STATISTICS

Accredited Program Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	CY
PT & PTA					2014/15	Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2015/16
Pass	1,838				1,838	966	665	460	2,091													2,091
Fail	476				476	261	164	131	556													556
Total	2,314				2,314	1,227	829	591	2,647													2,647
Pass Rate	79%				79%	79%	80%	78%	79%													79%

Foreign Educated Pass/Fail

	Q1	Q2	Q3	Q4	FY	Q1			Q1	Q2			Q2	Q3			Q3	Q4			Q4	CY
PT & PTA					2014/15	Jul	Aug	Sep	TOTAL	Oct	Nov	Dec	TOTAL	Jan	Feb	Mar	TOTAL	Apr	May	Jun	TOTAL	2015/16
Pass	130				130	29	51	37	117													117
Fail	82				82	17	24	10	51													51
Total	212				212	46	75	47	168													168
Pass Rate	61%				61%	63%	68%	79%	66%													66%



Physical Therapy Board of California

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

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



Agenda Item 13

Briefing Paper

Date: October 16, 2015

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

SUBJECT: Consumer Protection Services Program (CPS)

Purpose: CPS Reports

CPS Program Updates:

- The BreEZe project continues to consume staff's time as we get closer to "Go-Live" working actively on the User Acceptance Testing and Data Validation. This requires multiple staff on a daily basis attend the testing site at the DCA Headquarters and in conjunction, manage their case load and duties at PTBC.

Performance Measures Report: (DRAFT Q1 Report July – September 2015)

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

The Board initiated 258 cases in the first quarter. Of the 258 cases initiated, 63 (24%) of the cases were conviction related. In comparison to the 1st quarter for FY 14/15, the number of complaints and the number of conviction related cases are comparable.

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

The target was met. The actual average for complaint intake to assignment of the case to an analyst was 3 days.

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

The target of 90 days was not met; however, 70% of the cases were closed within the 90 day target. Staff continuously monitors their case load of older cases to ensure cases are not overlooked. Also the complexity of the case and/or multiple parties (PTBC, DOI, Experts) involved can delay the process.

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

For Q1, there were a total of 15 final disciplinary orders. The target of 540 days from start to end of a disciplinary action was not met; however, 8 of the 15 cases were processed from start to end within the 540 days.

- PM7/Probation Intake. Number of days from probation monitor assignment to first contact by probation monitor.

The target to make first contact with new probationers was well within its target of ten days. The average day to make first contact with the probationer was two days for Q1.

- PM8/ Probation Violation Response

For Q1, all probationers were in compliance.

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.

Action Requested:

No Action Required

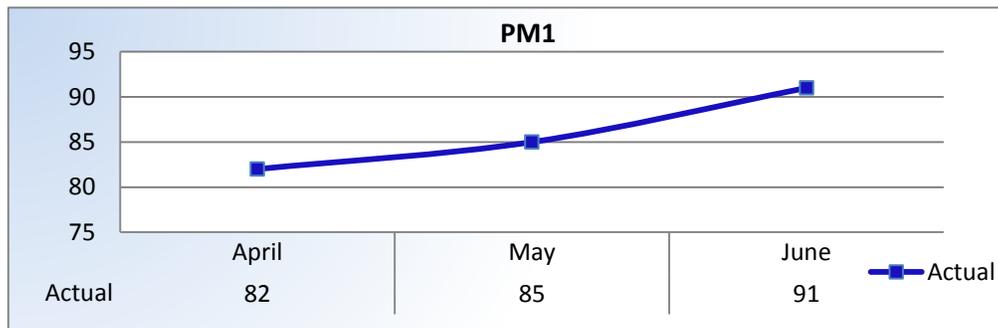
Performance Measures

Q1 Report (July - September 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.

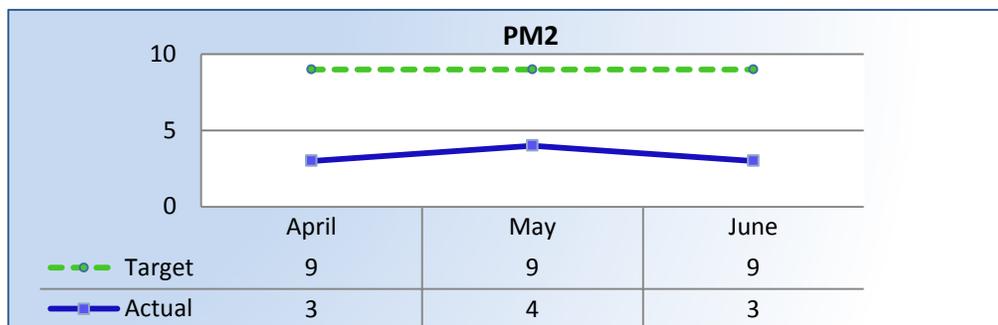


Total Received: 258 Monthly Average: 86

Complaints: 195 | Convictions: 63

PM2 | Intake

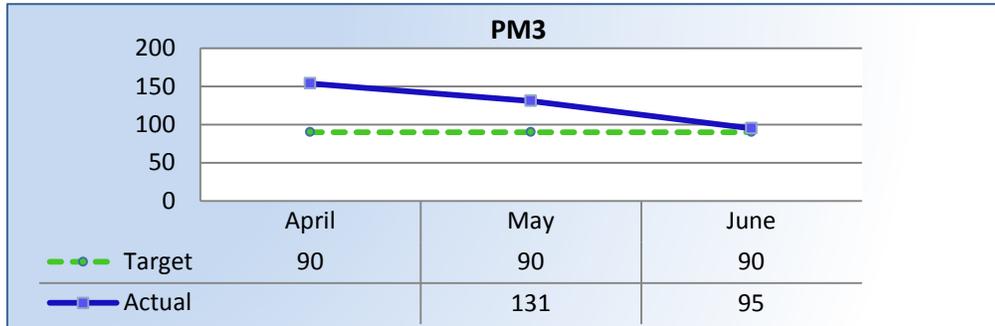
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | Actual Average: 3 Days

PM3 | Intake & Investigation

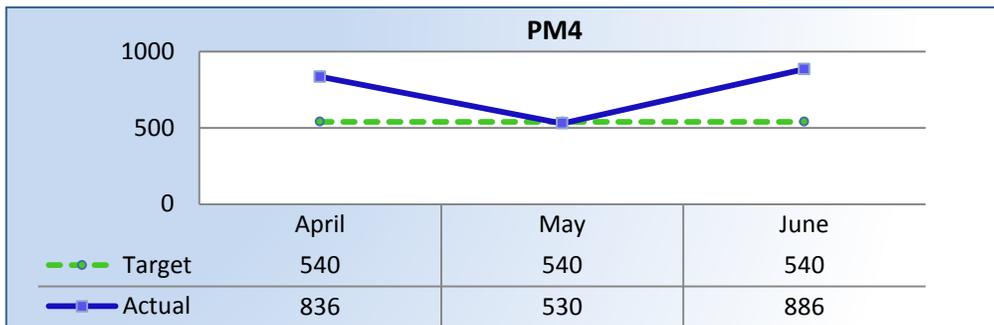
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 90 Days | Actual Average: 132 Days

PM4 | Formal Discipline

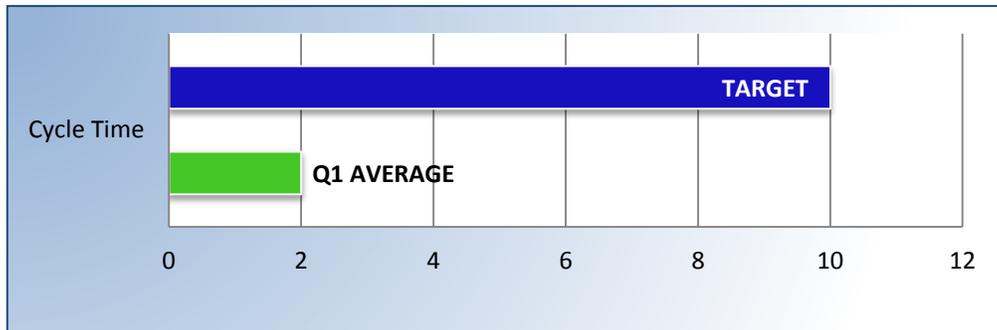
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | Actual Average: 758 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 2015/2016

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			
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	FY Total
Received	67	64	64										195
Closed without Assignment for Investigation	2	2	0										4
Assigned for Investigation - <i>Note: Number of assigned cases may include cases from previous month; therefore totals will not add up.</i>	65	56	69										190
Average Days to Close or Assigned for Investigation	4	4	3										4
Pending	3	9	4										

Convictions/Arrest Reports	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	15	21	27										63
Closed / Assigned for Investigation	12	16	35										63
Average Days to Close	3	2	2										2.3333
Pending	3	8	0										

Total Intake	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	82	85	91										258
Closed w/o Inv. Assignment	2	2	0										4
Assigned for Investigation	77	72	104										253
Avg. Days to Close or Assign	3	4	3										3
Pending	6	17	4										

Investigation													
Complaints investigated by the program whether by desk investigation or by field investigation.													
Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action.													
If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation.													
If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.													
Desk Investigation	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Initial Assignment for Desk Investigation	77	72	104										253
Closed	105	97	66										268
Average Days to Close	73	110	79										87.333
Pending	200	171	206										

Field Investigation (Sworn)	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Assignment for Sworn Field Investigation	1	4	3										8
Closed	14	6	5										25
Average Days to Close	737	468	548										584.33
Pending	101	99	97										

All Investigations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
First Assignments	77	72	104										253
Closed	119	103	71										293
Average Days to Close	151	131	112										131.33
Pending	301	270	303										

All Investigations Aging	Jan-00	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Up to 90 Days	81	77	50										208
91 to 180 Days	17	10	11										38
181 Days to 1 Year	6	5	3										14
1 to 2 Years	8	6	6										20
2 to 3 Years	3	2	0										5
Over 3 Years	4	3	1										8

Disciplinary Actions	<i>This section DOES NOT include subsequent discipline on a license. Data from complaint records combined/consolidated into a single case will not appear in this section.</i>												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
AG Cases Initiated	3	0	2										5
AG Cases Pending	60	55	53										
SOIs Filed	0	0	1										1
Accusations Filed	4	3	0										7

ACC Decisions/Stips	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Prop/Default Decisions	0	1	0										1
Stipulations	6	2	4										12

SOI Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
SOI Final Orders (Dec/Stips)	2	0	0										2
Average Days to Complete	829	0	0										276.33

ACC Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
ACC Final Orders (Dec/Stips)	6	3	4										13
Average Days to Complete	839	655	886										793.33

Total Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Total Final Orders (Dec/Stips)	8	3	4										41
Total Average Days to Complete	836	655	866										785.67

Total Orders Aging/Final Decision	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Up to 90 Days	0	0	0										0
91 to 180 Days	0	0	0										0
181 Days to 1 Year	0	1	0										1
1 to 2 Years	4	1	2										7
2 to 3 Years	3	0	1										4
Over 3 Years	1	1	1										3

Citations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Final Citations	11	10	11										32
Average Days to Complete*	492	328	178										332.67

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

Probation												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Entered Probationer	6	1	1									
Completed Probation	0	1	4									
Entered Maximus	1	4	0									
Completed Maximus	0	0	0									
Non-Compliant w/Probation	2	4	1									
Total Probationers	92	92	92									
Total Maximus Participants	11	15	15									

Performance Measures													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
PM1 Volume - Number of Complaints Received within the specified time period.	67	64	64										195
PM1 Volume - Conviction/Arrest Reports Received	15	21	27										63
PM2 Cycle Time - Intake Average number of complaint intake during the specified time period.	3	4	3										3
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.	142	125	96										132
PM 4 Cycle Time-Discipline (Target 540 Days) Average number of days to complete the enforcement process (Complaint intake, Investiation, and Formal Discipline steps) for cases closed with Formal Discipline.	836	530	886										758

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

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

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

15 Physical Therapy Board of California Disciplinary Summary

16
17
18
19 **July 2015**

20
21 **BOWIN, CONNIE LYNN (PT 9323)**

22 Accusation Filed 08/25/14. Violation of B & P Codes: 2234 Unprofessional Conduct, 2620.7 Patient Record
23 Documentation & Retention, 2660(e) Habitual Intemperance, 2660(g) Gross Negligence, 2660(h) Violating the
24 Code, 2660(j) Aiding/Abetting Unlicensed Activity. Violation of CCR: 1398.13 Patient Record Documentation.
25 Stipulated Settlement and Disciplinary Order Effective 07/17/15, Revocation Stayed, 3 Yrs. Prob., or until
26 satisfactory completion of the Board's Substance Abuse Rehabilitation Program plus one year, whichever is longer.
27

28 **DONAHUE, LAUREN (PT 40151)**

29 Accusation Filed 02/19/15. Violation of B & P Codes: 490 Conviction of a Crime, 493 Conviction of a Crime, 2239
30 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of Criminal Offense, 2660(w)
31 Habitual Intemperance. Violation of CCR: 1399.20 Criminal Substantial Relation
32 Stipulated Settlement and Disciplinary Order Effective 07/24/15, Revocation Stayed, 5 Yrs. Prob., or completion of
33 the Drug and Alcohol Recovery Program plus one year, whichever is longer.
34

35 **DREWNIAK, BARTLOMIEJ (PT 34395)**

36 Accusation Filed 09/03/14. Violation of B & P Codes: 490 Conviction of a Substantially Related Crime, 2239 Self-
37 Use of Drugs or Alcohol, 2660(e) Conviction of Crime Offenses, 2660(w) Habitual Intemperance, 2661 Conviction
38 of a Crime. Stipulated Settlement and Disciplinary Order Effective 07/06/15, Revocation Stayed, 3 Yrs. Prob., or
39 completion of the Substance Abuse Rehabilitation Program plus one year, whichever is longer.
40

41 **ISENBERG, MATTHEW (PT 42722)**

42 Application Denied 03/25/09. Violation of B & P Code: 480 Grounds for Denial of License. Statement of Issues
43 Filed 05/20/09. Violation of B & P Codes: 480 Grounds for Denial of Licensure, 2660(d) Conviction of a Crime
44 Substantially Related to the Practice. Violation of CCR: 1399.20 Criminal Substantial Relation. Proposed Decision
45 Effective 10/16/09, Application Denied. Application Denied 12/09/11. Violation of B & P Code: 480 Grounds for
46 Denial of License. Application Denied 11/05/13. Violation of B & P Code: 480 Grounds for Denial of License
47 Statement of Issues Filed 04/25/14. Stipulated Settlement and Disciplinary Order Effective 07/21/15, Revocation
48 Stayed, 5 Yrs. Prob., or completion of the Board's substance abuse rehabilitation program plus one year, whichever
49 is longer.
50
51
52
53

1 **KOHLI, MANINDER (PT 29722)**

2 Accusation Filed 08/20/14. Violation of B & P Codes: 810 Violation of Insurance Requirement, 2052 Unlicensed
3 Practice of Medicine, 2234 Repeated Negligent Acts, 2260(g) Gross Negligence, 2264 Aiding and Abetting
4 Unlicensed Activity, 2630 Aiding & Abetting the Unlicensed Practice of Physical Therapy, 2660(h) Violating the
5 Code, 2660(i) Aiding and Abetting, 2660(j) Aiding and Abetting, 2660(k) Commit Fraud, Dishonest Act. Violation
6 of CCR: 1398.44 Gross Negligence in Supervision of Physical Therapist Assistants and Aides, 1399 Supervision of
7 Physical Therapy Aides, 1399.20 Gross Negligence in Supervision of PTA's and Aides, 1399.85 Gross Negligence.
8 Stipulated Surrender of License and Order Effective 07/13/15.
9

10 **LANG, STACY (AT 926)**

11 Ruling and Order on Petition for Interim Suspension Order Issued 07/30/15.
12

13 **SUMMARY, THAD (PT 22854)**

14 Accusation Filed 09/19/14. Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the
15 Code, 2660(e) Conviction of a Crime, 2661 Conviction of a Crime. Violation of CCR: 1399.20 Criminal Substantial
16 Relation, 1399.24 Unprofessional Conduct. Stipulated Settlement and Disciplinary Order Effective 07/27/15,
17 Revocation Stayed, 5 Yrs. Prob., or completion of the substance abuse rehabilitation program plus one year,
18 whichever is longer.
19

20 **YOUNG, ADAM (PT 39504)**

21 Accusation Filed 09/30/14. Violation of B & P Codes: 2239 Self Use of Drugs or Alcohol, 2660(a) Violating the
22 Code, 2660(e) Conviction of Crime. Violation of CCR: 1399.20 Criminal Substantial Relation. Stipulated
23 Settlement and Disciplinary Order Effective 07/20/15, Revocation Stayed, 5 Yrs. Prob., or for such period as is
24 necessary for respondent to complete the Board's Substance Abuse Rehabilitation Program plus one year thereafter,
25 whichever is longer.
26

27 **August 2015**

28
29 **JOHNSON, MEGHAN RUTH LINDSAY (PT 37038)**

30 Accusation Filed 04/21/15. Violation of B & P Codes: 2620.7 Pt. Record Docum & Retention, 2660(g) Gross
31 Negligence. Violation of CCR: 1398.13 Patient Record Documentation. Stipulated Surrender of License and
32 Disciplinary Order Effective 08/19/15, License Surrendered.
33

34 **MULLER, JOHN MAURICE (PT 8797)**

35 Accusation Filed 07/28/14. Violation of B & P Code B & P Codes: 2234(b) Gross Negligence, 2234(c) Repeated
36 Negligent Acts, 2620.7 Pt. Record Docum & Retention, 2660(g) Gross Negligence. Violation of CCR: 1399.85
37 Patient Records. Stipulated Settlement and Disciplinary Order Effective 08/06/15, Revocation Stayed, 5 Yrs. Prob.
38

39 **STEWART, HOLLY LIZABETH (AT 6646)**

40 Accusation Filed 02/03/15. Violation of B & P Codes: 490 Conviction of a Crime, 2234 Unprofessional Conduct,
41 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of Crime Offenses, 2661
42 Conviction of a Crime. Violation of CCR: 1399.24 Unprofessional Conduct. Default Decision and Order Effective
43 08/07/15, License Revoked.
44

46
47 **BOONE, MARQUETA (AT 1737)**

48 Accusation Filed 02/27/15. Violation of B & P Codes: 490 Conviction of a Crime, 493 Conviction of Crime, 2239
49 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of Criminal Offense, 2660(w)
50 Habitual Intemperance. Violation of CCR: 1399.20 Criminal Substantial Relation, and 1399.24 Unprofessional
51 Conduct. Stipulated Settlement and Disciplinary Order Effective 09/24/15, Revocation Stayed, 5 Yrs. Prob., or for
52 the completion of the Substance Abuse Rehabilitation Program, plus one (1) year, whichever is longer. Stipulated
53 Settlement and Disciplinary Order Effective 09/24/15
54
55

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

DAVE, CHARU (PT 7968)

Accusation Filed 02/27/15. Violation of B & P Codes: 680 Disclosure of Name and License, 2620 Not authorized PT to Diagnose, 2620.7 Patient Record Documentation, 2660(g) Gross Negligence, 2660(h) Violating the Code, 2660(l) Failure to Adhere to Infection Control Procedures. Violation of CCR: 1398.13 Patient Record Documentation, 1398.15 Notice to Consumer, and 1399 Supervision of Physical Therapy Aides. Stipulated Surrender of License and Order Effective 09/07/15, License Surrendered.

QUINN, JAMES (AT 5718)

Accusation Filed 08/21/14
Conduct, 2660(k) Commit Fraud, Dishonest Act. Stipulated Settlement and Disciplinary Order Effective 09/24/15, Public Repeval.

STONE, AMY (PT 32442)

Accusation Filed 09/25/14. First Amended Accusation Filed 04/29/15. Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660 Unprofessional Conduct, 2660(a) Violating the Code, 2660(e) Conviction of Crime Offense, 2661 Conviction of a Crime. Violation of CCR: 1399.20 Criminal Substantial Relation, 1399.24 Unprofessional Conduct. Stipulated Settlement and Disciplinary Order Effective 09/25/15, Revocation Stayed, 5 Yrs. Prob., or the time necessary to satisfactorily complete the Board’s Substance Abuse Rehabilitation Program plus one (1) year, whichever is longer.

Initial Probationary Licenses (IPL) Issued

.....

July, August, and September 2015

(NONE FOR THESE MONTHS)

Licenses Denied

.....

July 2015

(NONE FOR THIS MONTH)

August 2015

(NONE FOR THIS MONTH)

September 2015

OSBERG, NICHOLAS ANTHONY (APPLICANT)

Application Denied 09/01/15. Violation of B & P Code: 480 Grounds for Denial of License.

GARDNER, KIMBERLY ANN (APPLICANT)

Application Denied 09/01/15. Violation of B & P Code: 480 Grounds for Denial of License.

1 **Glossary of Terms**

- 2
3 B & P Code – Business and Professions Code
4 H & S Code – Health and Safety Code
5 R & R – Rules and Regulations
6 CCR – California Code of Regulations
7

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

10
11 Petition to Revoke Probation: A Petition to Revoke Probation is filed when a licensee is charged with violation of a
12 prior disciplinary decision.

13
14 Probationary License: Where good cause exists to deny a license, the licensing agency has the option to issue a
15 conditional license subject to probationary terms and conditions.

16
17 Statement of Issues Filed: When an applicant for licensure is informed the license will be denied for cause, the
18 applicant has a right to demand a formal hearing, usually before an Administrative Law Judge. The process is
19 initiated by the filing of a Statement of Issues, which is similar to an accusation.

20
21 Surrender of License: License surrenders are accepted in lieu of further proceedings.

22
23 Statement of Issues Decision: These are decisions rendered after the filing of a Statement of Issues.

24
25 Stipulated Decision: Negotiated settlements waiving court appeals.



Physical Therapy Board of California

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

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



Briefing Paper

Date: October 15, 2015

Prepared for: PTBC Board Members

Prepared by: Jacki Maciel

Subject: Mandatory Training and Reporting Requirements

Purpose:

To provide information regarding mandatory training requirements for Board Members.

Attachments: Training Materials (Handout)

Background:

All Board Members must complete the required courses within the first year of their appointment with Department of Consumer Affairs (DCA), Physical Therapy Board of California (PTBC), in addition to, adhere to reporting requirements.

Action Requested:

Board Member Orientation Training

- Board Members are required to complete training within one year of assuming office.

Ethics Training

- Board Members are required to complete training within 6 months of their appointment date and repeat training every 2 years throughout their term.

Sexual Harassment Prevention Training

- Board Members are required to complete training every 2 years from their appointment date and every compliance year (every odd year).

Defensive Driver Training

- All State employees or appointed members who drive a vehicle on official State business must successfully complete the Department of General Services (DGS) approved Defensive Driver (DDT) course at least once every four years.

Form 700 – Statement of Economic Interest & Conflict of Interest Filing

- Board Members are required to file annually and upon term expiration