



PHYSICAL THERAPY
BOARD OF CALIFORNIA

March 24, 2021
BOARD MEETING

Department of Consumer Affairs
(WebEx)

PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St., Suite 2600, Sacramento, California 95815

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

www.ptbc.ca.gov

PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

March 24, 2021 9 a.m.

Department of Consumer Affairs
(WebEx)

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 via a teleconference platform. THE PUBLIC IS ENCOURAGED TO ATTEND. Please refer to the instructions attached to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

BOARD MEMBERS

Alicia K. Rabena-Amen, P.T., DPT, *President*
Katarina Eleby, M.A., *Vice President*
Dayle C. Armstrong, Ph.D., P.T., MS, DPT, *Member*
Jesus Dominguez, P.T., Ph.D., *Member*
Daniel Drummer, P.T., DPT, *Member*
Johnathon Ervin, *Member*
Tonia McMillian, *Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*
Elsa Ybarra, *Assistant Executive Officer*
Liz Constancio, *Manager*
Sarah Conley, *Manager*
Brooke Arneson, *Executive Analyst*

MISSION

To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

VISION

The standard for consumer protection in physical therapy.



BOARD MEETING AGENDA

PUBLIC TELECONFERENCE MEETING

Wednesday, March 24, 2021

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, a physical meeting location is not being provided.

Important Notices to the Public: The Physical Therapy Board will hold a public meeting via a teleconference platform.

INSTRUCTIONS FOR PARTICIPATION: Please see the instructions attached hereto to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

For all those who wish to participate or observe the meeting on Wednesday, March 24, 2021, please log on to this website:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e607485513d9e122be711fbf5c9b1650e>

Meeting Event ID Number: 187 180 1606 and Password: PTB32421

As an alternative, members of the public who wish to observe the meeting on March 24, 2021 without making public comment can do so (provided no unforeseen technical difficulties) at: <https://thedcapage.wordpress.com/webcasts/>

Public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

Agenda – Wednesday, March 24th

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

1. **Call to Order - 9:00 a.m.**
2. **Roll Call and Establishment of Quorum**
3. **Reading of the Board's Mission Statement**
4. **Public Comment on Items Not on the Agenda**
Please note that 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 whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)
5. **Review and Approval of September 17, 2020, Meeting Minutes** – Brooke Arneson
6. **Review and Approval of December 10, 2020, Meeting Minutes** – Brooke Arneson
7. **Review and Approval of February 24, 2021 Meeting Minutes** – Brooke Arneson
8. **President's Report** –Alicia Rabena-Amen
 - (A) 2021 Proposed Meeting Calendar
 - (B) 2022 Proposed Meeting Calendar
9. **Executive Officer's Report** – Jason Kaiser
 - (A) Administrative Services
 - (B) Board Member Appointments
 - (C) PTBC Relocation
10. **Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs** – Jason Kaiser
 - (A) DCA Waiver DCA-20-01 Continuing Education
 - a. First Extension- DCA Waiver DCA-20-27
 - b. Second Extension- DCA Waiver DCA-20-53
 - c. Third Extension- DCA Waiver DCA-20-69
 - d. Fourth Extension- DCA Waiver DCA-20-89
 - e. Fifth Extension- DCA Waiver DCA-21-117
 - (B) DCA Waiver DCA-20-02 Reinstatement of Licensure
 - a. First Extension- DCA Waiver DCA-20-57
 - (C) DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
 - a. First Extension DCA Waiver DCA-20-28
 - b. Second Extension DCA Waiver DCA-20-46
 - c. Third Extension DCA Waiver DCA-20-75
 - d. Fourth Extension DCA Waiver DCA-20-95
 - e. Fifth Extension DCA Waiver DCA-21-122
 - (D) DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements
 - a. First Extension DCA Waiver DCA-20-66

- b. Second Extension DCA Waiver DCA-20-78
- c. Third Extension DCA Waiver DCA-21-107

11. 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)

12. DCA Budget Unit - Presentation of Services - Karen Munoz & Sarah Hinkle

13. Legislation Report – Brooke Arneson

- (A) 2019/20 Legislative Session Summary
 - i. AB 29 (Cooper) State Bodies: Meetings
 - ii. AB 54 (Kiley) COVID-19 Emergency Order Violation: License Revocation
 - iii. AB 107 (Salas) Licensure: Veterans and Military Spouses
 - iv. AB 225 (Gray, Gallagher, & Patterson) DCA: Boards: Veterans: Military Spouses: Licenses
 - v. AB 339 (Lee & Christina Garcia) State and Local Government: Open Meetings
 - vi. AB 646 (Low) DCA: Boards: Expunged Convictions
 - vii. AB 657 (Bonta) State Civil Service System: Personal Services Contracts: Professionals
 - viii. SB 102 (Melendez) COVID-19 Emergency Order Violation: License Revocation
 - ix. SB 772 (Ochoa Bogh) Professions and Vocations: Citations: Minor Violations

14. Rulemaking Report – Brooke Arneson

- (A) 2019 Rulemaking Update
 - i. Guidelines for Issuing Citations and Imposing Discipline, 6th Edition
 - ii. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
 - iii. Federation of State Boards of Physical Therapy's (FSBPT) Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States
 - iv. Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations
 - v. License Renewal Exemptions: Retired License Status
 - vi. Continuing Competency
- (B) Discussion and Possible Board Action regarding the Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations Regulation – *Jason Kaiser*
- (C) Discussion and Possible Board Action regarding License Renewal Exemption: Retired License Status Regulation – *Jason Kaiser*

15. Administrative Services Quarterly Update

- (A) Budget Report
- (B) Outreach Report

16. Application Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports

17. Licensing Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports

18. Continuing Competency Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports

19. Consumer Protection Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports
- (C) Processing Verification of Licensure

20. Probation Monitoring Services Quarterly Update

- (A) Program Updates
- (B) Statistical Reports

21. Board Member Elections

- (A) President
- (B) Vice-President
- (C) FSBPT Delegate
- (D) FSBPT Alternate Delegate
- (E) FSBPT Back-up Alternate Delegate

22. Public Comment on Items Not on the Agenda

Please note that 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 whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)

23. Agenda Items for Future Meeting – June 24-25, 2021
Department of Consumer Affairs
(WebEx)

24. Closed Session

- (A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
- (B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer

25. Adjournment

Informational Notes:

Action may be taken on any agenda item. Agenda items may be taken out of order. Times stated are approximate and subject to change. Agenda order is tentative and subject to change at the discretion of the Board; agenda items may be taken out of order and items scheduled for a particular day may be moved or continued to an earlier or later day to facilitate the effective transaction of business.

In accordance with the Bagley-Keene Open Meeting Act, all Board meetings are open to the public. Pursuant to Government Code section 11125.7, the Board provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Total time allocated for public comment on particular issues may be limited. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on any matter not included in this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a)).

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 or technical difficulties. 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 disabled. A person who needs disability-related accommodation or modification 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.

HOW TO – Join – DCA WebEx Event

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>

The screenshot shows a web browser window with the address bar displaying the URL: dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5. The browser's address bar also shows the text "California Department of Technology".

The page header includes the DCA logo and the text "California Department of Consumer Affairs".

Event Information: 3/26

Event status: Started

Date and time: Thursday, March 26, 2020 10:30 am
Pacific Daylight Time (San Francisco, GMT-07:00)
[Change time zone](#)

Duration: 1 hour

Description:

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

Join Event Now

To join this event, provide the following information.

First name:

Last name:

Email address:

Event password:

[Join Now](#)

[Join by browser](#) **NEW!**

If you are the host, [start your event](#).

2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment.

HOW TO – Join – DCA WebEx Event

The screenshot shows a web browser window with the URL dca-ca.webex.com/join/3300/mywebex/default.do?nomenu=true&siteurl=dca-ca&service=6&rnd=0.5620032359143548&main_url=https%3A%2F%2Fdca-ca.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3F. The page header includes the DCA logo and the text "California Department of Consumer Affairs".

Event Information: 3/26

Event status: Started
Date and time: Thursday, March 26, 2020 10:30 am
Pacific Daylight Time (San Francisco, GMT-07:00)
[Change time zone](#)
Duration: 1 hour
Description:

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

Join Event Now

To join this event, provide the following information.

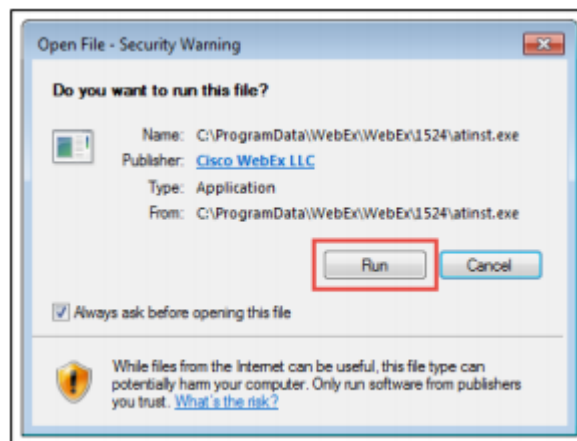
First name: Jason
Last name: Piccione
Email address: jason.piccione@dca.ca.gov
Event password: *****

[Join Now](#)
Join by browser **NEW!**
If you are the host, [start your event](#).

3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

HOW TO – Join – DCA WebEx Event

Starting Webex...



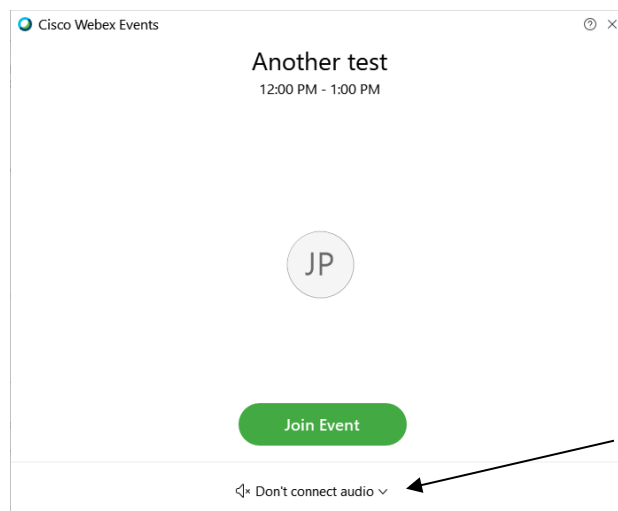
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



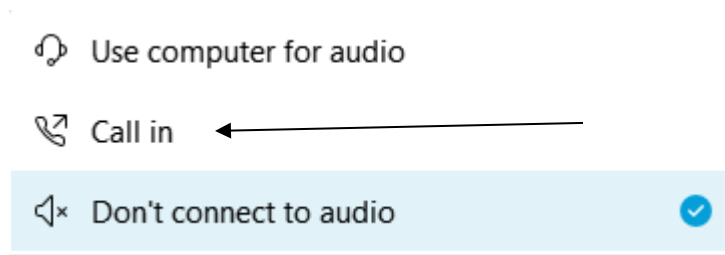
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

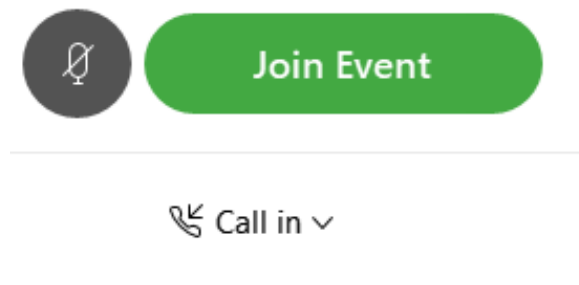


HOW TO – Join – DCA WebEx Event

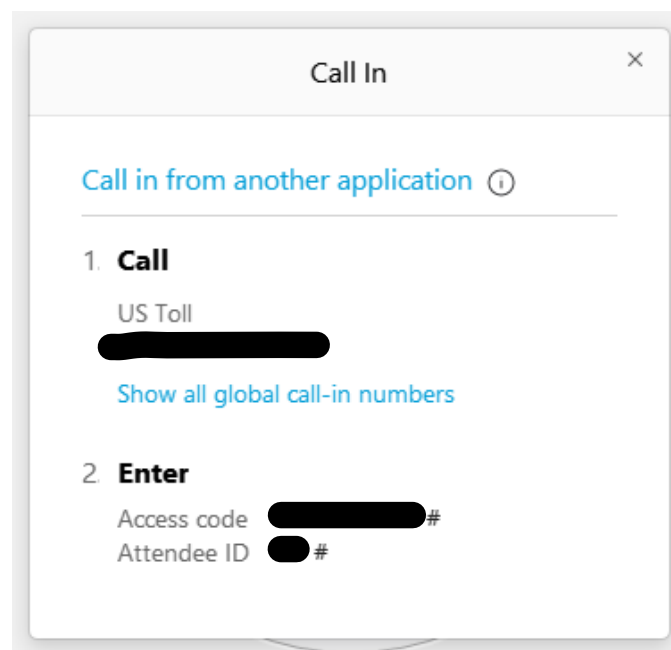
8. When the audio menu appears click 'Call in'.



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

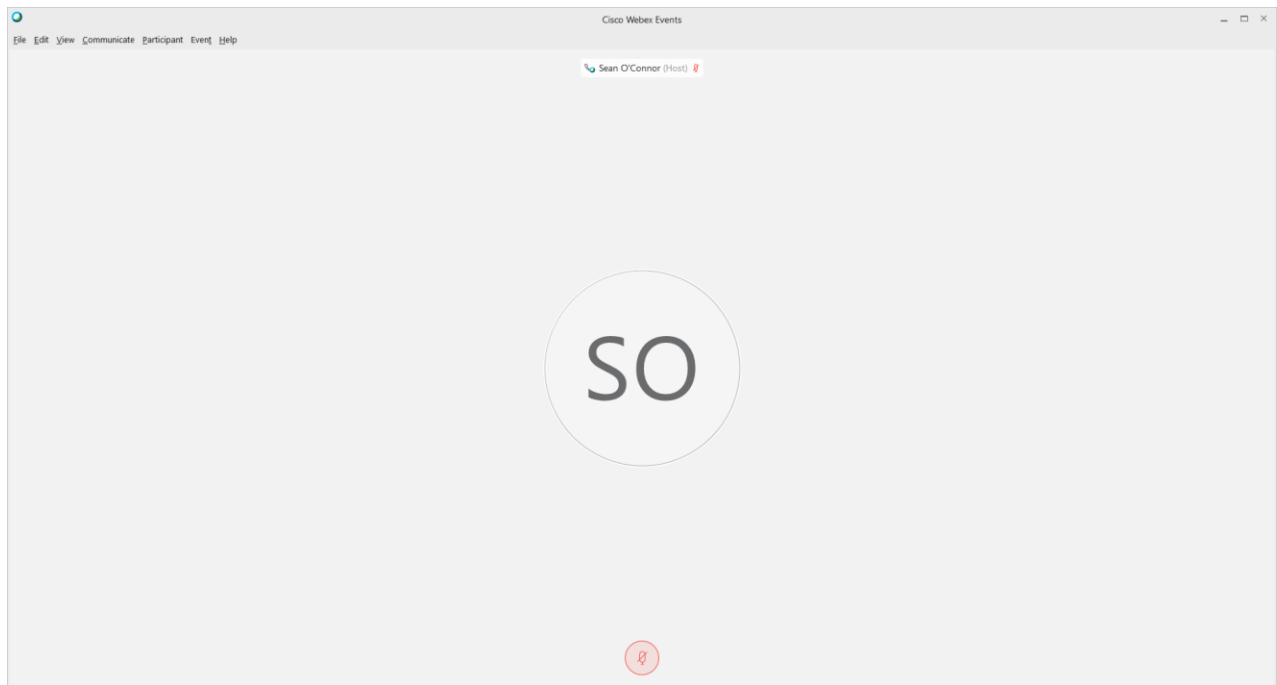


HOW TO – Join – DCA WebEx Event

NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

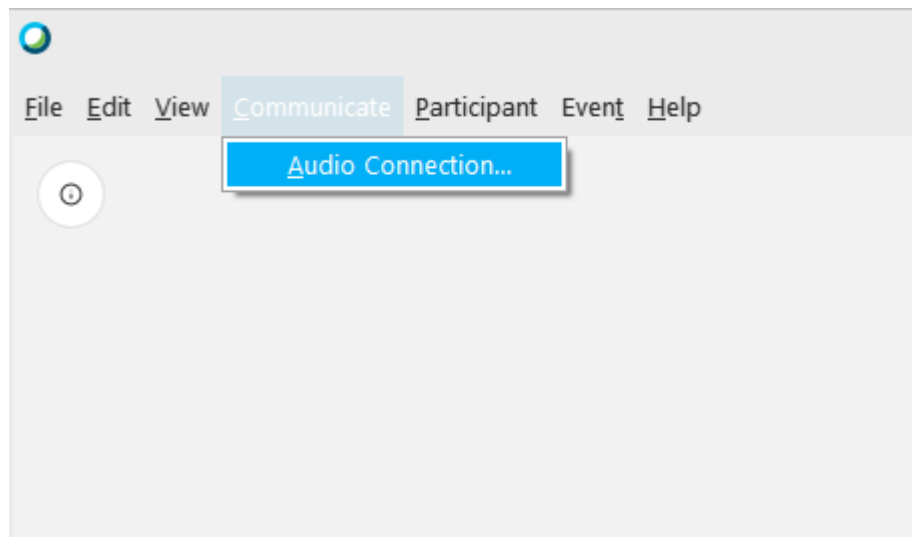


NOTE: Your audio line is muted and can only be unmuted by the event host.

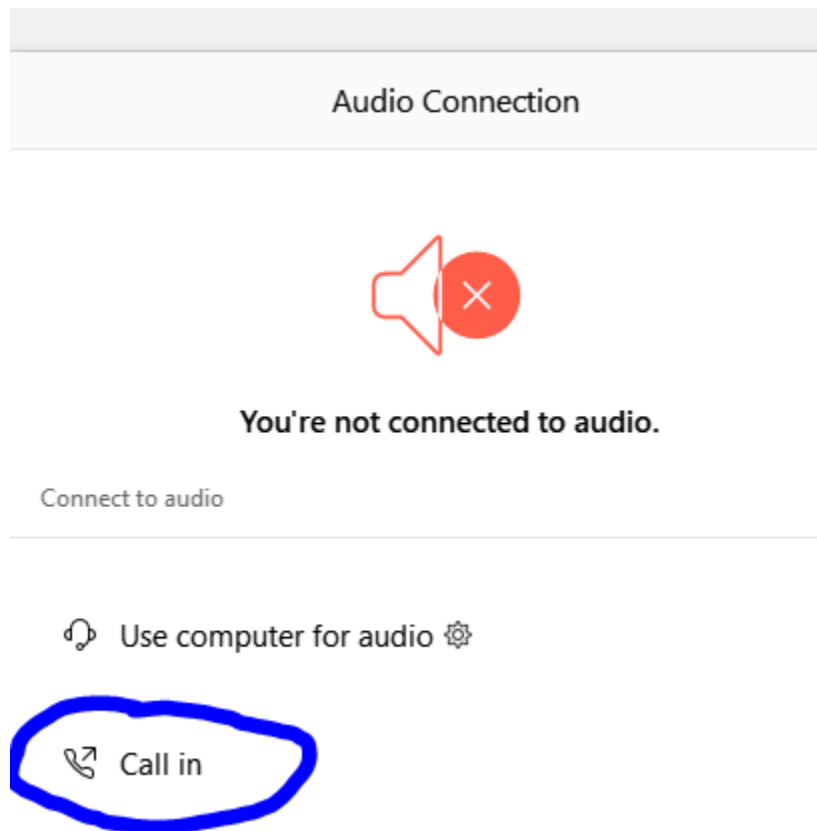
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



The 'Call In' information can be displayed by selecting 'Call in' then 'View'

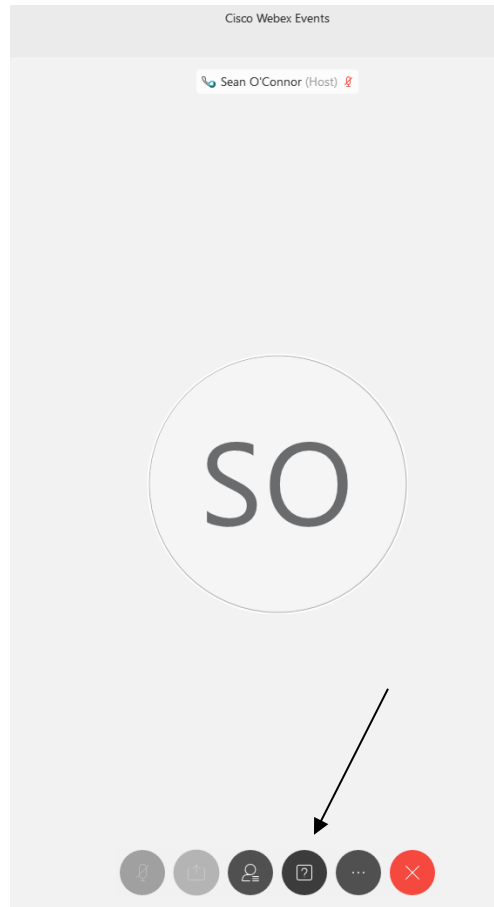


You will then be presented the dial in information for you to call in from any phone.

HOW TO – Join – DCA WebEx Event

Participating During a Public Comment Period

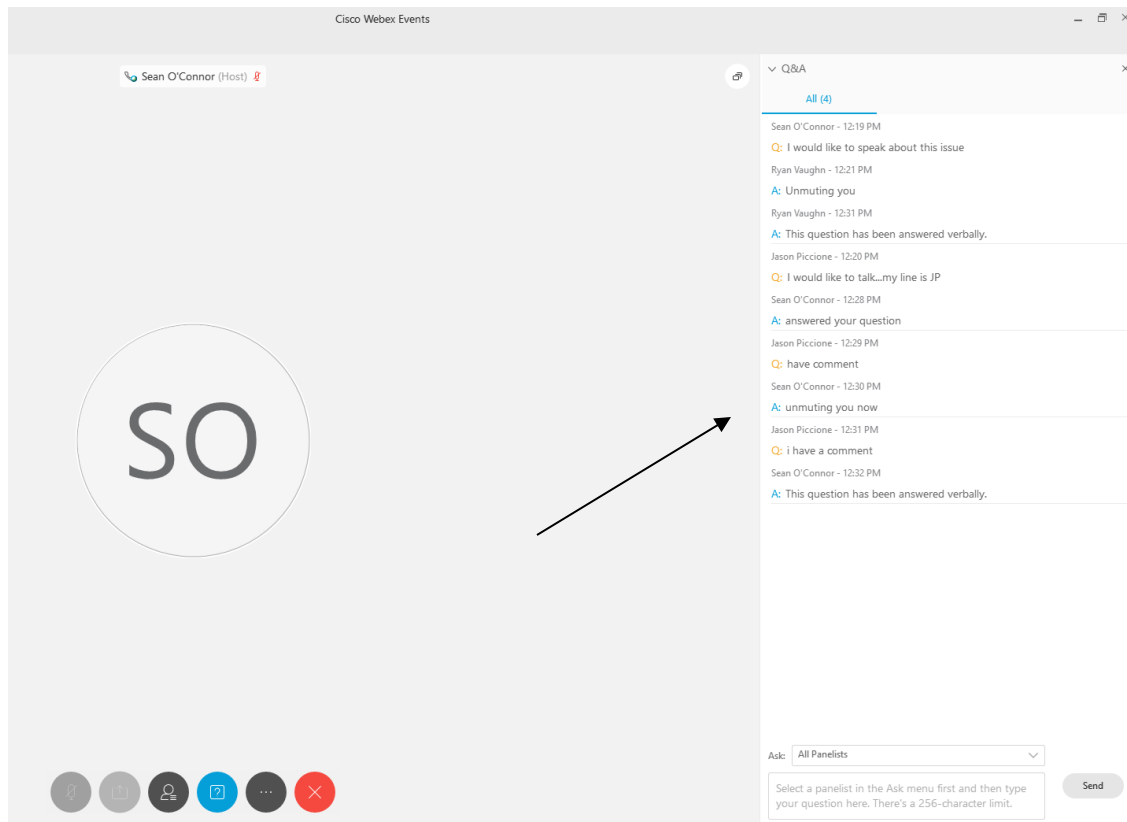
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

ROLL CALL

March 24, 2021

	Present	Absent
Alicia Rabena-Amen, PT, DPT, President		
Katarina Eleby, Vice-President		
Dayle C. Armstrong, Ph.D., PT, MS, DPT		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Johnathon Ervin		
Tonia McMillian		



Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Katarina Eleby, M.A.

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Tonia McMillian

Vacant, Professional Member

Vacant, Public Member

Physical Therapy Board of California **DRAFT Meeting Minutes**

September 17, 2020 9:00 a.m.

Department of Consumer Affairs
Public WebEx and Teleconference
Platform

Board Staff

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Executive Analyst

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

Thursday, September 17, 2020

1. Call to Order

The Physical Therapy Board of California (Board) meeting was called to order by President Dr. Rabena-Amen at 9:18 a.m. and adjourned at 4:04 p.m. on September 17, 2020.

2. Roll Call and Establishment of Quorum

Dominguez- Present
Drummer – Present
Eleby – Present
McMillian – Present
Rabena-Amen - Present

All members were present, and a quorum was established. Also present at the meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive Officer; Brooke Arneson, Board staff, and Trisha St. Clair, DCA SOLID Webcast Moderator.

Dr. Drummer read the Board's mission statement: To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

3. Public Comment on Items Not on the Agenda

31 *Please note that the Board may not discuss or take action on any matter raised during*
32 *this public comment section that is not included on this agenda, except to decide whether*
33 *to place the matter on the agenda of a future meeting. (Government Code sections*
34 *11125, 11125.7(a).)*
35

36 The Board requested public comment on items not on the agenda, and there was no
37 public comment.

38 **4. Review and Approval of June 25, 2020 Meeting Minutes – Brooke Arneson**
39

40 Ms. Arneson presented the draft June 25, 2020, meeting minutes. Dr. Drummer asked
41 that Mr. Kanotz's title of "DCA Legal Counsel", be edited to specify that he is the "Boards
42 Legal Counsel." Dr. Drummer stated on page 25, that Ms. Kalis's name was misspelled.
43

44 **MOTION:** Adopt the proposed June 25, 2020, Meeting Minutes
45 as amended.
46

47 **M/S:** Dominguez/McMillian
48

49 **VOTE:** Dominguez- Aye
50 Drummer – Aye
51 Eleby – Aye
52 McMillian – Aye
53 Rabena-Amen - Aye
54 5-0 Motion carried
55

56 **5. President's Report**

57 **(A) 2020 Adopted Meeting Calendar**
58

59 Mr. Kaiser suggested keeping the proposed December 10-11, 2020, meeting
60 on the calendar and at this time anticipated that it would be a WebEx format
61 and if Board business mandated that it would not be a two-day meeting, the
62 meeting would be held on December 10th.
63

64 Dr. Drummer added that the CPTA Conference would be held on October 3-
65 4th, 2020 and that it would be a virtual event.
66

67 **(B) 2021 Proposed Meeting Calendar**
68

69 Mr. Kaiser stated that the 2021 proposed meeting calendar was provided for
70 informational purposes and no adoption of the 2021 calendar was necessary
71 at this time. Mr. Kaiser added that due to the pandemic, he proposed leaving
72 the 2021 calendar dates as they are on the calendar and re-visiting them at the
73 next meeting to make any changes.

74
75 Dr. Syms informed the Board that the CPTA Annual Conference for 2021 will
76 be October 9-10, and it is still to be determined if it will be an in-person meeting
77 or virtual event.
78

79 **6. Executive Officer's Report**

80
81 **(A) Administrative Services**

82
83 Mr. Kaiser reported that the Board is currently recruiting for a few vacancies;
84 and with COVID, teleworking and staff redirected to contact tracing, having
85 these vacancies filled is of the utmost importance. Mr. Kaiser stated that
86 the Board is recruiting for a Probation Monitor within the Consumer
87 Protection Unit; a Staff Services Analyst to be the Board Member's Liaison
88 in the Administrative Services Unit; and an Office Technician in the
89 Application Unit.
90

91 Mr. Kaiser updated the members that the Board's Assistant Executive
92 Officer position has been filled by Ms. Elsa Ybarra and he extended his
93 congratulations to her.
94

95 Mr. Kaiser also extended his congratulations to two staff members at the
96 Board: Ms. Angel Otley in the Applications Unit was promoted to a Staff
97 Services Analyst and Mr. Vincent Azar in the Enforcement Unit was
98 promoted to an Associate Governmental Program Analyst.
99

100 **(B) Board Member Appointments**

101
102 Mr. Kaiser reported that the Department would be using PTBC's Board
103 Member Tracking Chart and providing it to other Boards and Bureau's and
104 the Executive team as a template for tracking Board Member appointments
105 and thanked staff for their hard work on the document.
106

107 **(C) Strategic Plan**

108 Mr. Kaiser reported that staff have continued to work on the goals and
109 objectives identified in the strategic plan and are making headway and
110 progress despite the pandemic. Mr. Kaiser added that a new analyst at
111 SOLID; Ms. Tricia St. Clair, was assigned to the Board to help with the
112 action plan identified in the Strategic Plan.
113

114 **(D) PTBC Relocation**
115

Mr. Kaiser reported that construction in the new suite is about 90% completed and due to the pandemic; California Prison Industry Authority (CALPIA), responsible for providing the cubicle furniture in the new suite, are short staffed so the Board's projected move-in date has been delayed to the first or second week of November 2020 provided that there are no further holdups.

Dr. Drummer asked if there were any updates from the Speaker of the Assembly on new appointments to the Board. Mr. Kaiser responded that staff have had conversations with DCA and the Deputy Director of Board and Bureau Relations, Carrie Holmes, regarding the Board member vacancies and the Board has been assured that the vacancies are being worked on being filled; however, there are no projected timelines to provide to the Board at this time.

7. Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs

(A) DCA Waiver DCA-20-01 Continuing Education

a. First Extension- DCA Waiver-20-27

b. Second Extension- DCA Waiver DCA-20-53

(B) DCA Waiver DCA-20-02 Reinstatement of Licensure

(C) DCA Waiver DCA-20-09- Examination Requirement for Continued Physical Therapy

a. First Extension- DCA Waiver-20-28

b. Second Extension- DCA Waiver DCA-20-46

(D) DCA Waiver DCA-20-25- Extending Time to Satisfy Examination Requirements

Mr. Kaiser reported on the waivers and the extensions applicable to physical therapist and physical therapist assistant licensees that were granted during the state of emergency resulting from COVID-19.
(formatting issue with paragraphs below)

Mr. Kaiser stated that the waiver most pertinent to the Board's licensing population was the renewal waivers and the continuing education waivers. Both waivers have received a first and second extension; which is currently in effect. Mr. Kaiser stated that if a licensee's license should expire during that length of time stated in the waiver, they are exempt from having to provide the continuing education requirement during the renewal period; however, after the order expires the licensee will be expected to fulfill their 30 hours

157 requirement in the following 6 months. Mr. Kaiser added that the
158 waiver for reinstatement of licensure affects licensees in retired
159 license status.

160
161 Mr. Kaiser stated that for applicants, there is a waiver to extend
162 examination requirements which will allow for an application to be
163 extended for an additional 6 months; which could allow an applicant
164 two more attempts at satisfying the examination requirements.

165
166 Dr. James Syms asked for licensees, who license is soon to be
167 expired, how do they check the continued education box in the
168 renewal application. Mr. Kaiser responded that the waiver is an
169 opportunity to provide an accommodation to our licensees during this
170 time, and the question on the renewal application is asking the
171 licensee if they are in compliance with the continuing competency
172 regulation. Mr. Kaiser added that since the waivers are in effect
173 during this time of renewal, a licensee can clearly mark yes, they are
174 in compliance with the continuing competency regulation on the
175 renewal form. Mr. Kaiser stated that a licensee is still expected to
176 complete their continuing competency requirement within 6 months
177 of the end of the waiver.

178
179 **8. Board Meeting Training – Changing Hats: Conflicts Between Professional**
180 **Interests and Public Protection in Board Decision-Making – Rebecca**
181 **Allensworth – As Provided by FSBPT**

182
183 Ms. Allensworth presented a virtual training for members on Changing hats: Conflicts
184 between Professional Interests and Public Protection in Board Decision-Making.

185
186 **9. Consumer and Professional Associations and Intergovernmental**
187 **Relations**
188 **Reports**

189
190 **(A) Federation of State Boards of Physical Therapy (FSBPT)**
191

192 There was no representative on behalf of FSBPT. Mr. Kaiser stated that due to the
193 pandemic, the Leadership Issues Forum was held virtually on July 22nd and the Board
194 participated. Mr. Kaiser added that content that is usually provided during this meeting
195 will be provided every two weeks until the FSBPT Delegate Assembly, which is scheduled
196 for October 22-24th, 2020. Mr. Kaiser added that FSBPT provided numerous webinars
197 over the past two weeks and they will be shared with the Board as Board Member

198 Training. Mr. Kaiser stated that a report on the Delegate Assembly would be provided at
199 the December 2020 meeting.

200 201 **(B) Department of Consumer Affairs (DCA) – Executive Office**

202
203 Ms. Carrie Holmes, Deputy Director for Board and Bureau Relations provided the Board
204 with an update on behalf of DCA. Ms. Holmes reported that in July 2020 the DCA Budget
205 Office and Office of Information Services launched four new budget expenditure and
206 revenue reports utilizing FI\$Cal information which are very informative and easy to
207 generate. Ms. Holmes added that DCA is working on three additional reports which will
208 be available soon.

209
210 Ms. Holmes added that another DCA priority is improving the timeline and transparency
211 for regulations and the DCA Regulations Unit was created to directly assist Boards and
212 an online tracking system, Sharewell, is currently being tested to help provide timelines,
213 and streamline the rulemaking process and review. Ms. Holmes stated that the testing
214 cohort for Sharewell has been completed and DCA is currently working with the pilot
215 group and soliciting feedback from them to help make the online system as useful as
216 possible and soon a rollout schedule will be available.

217
218 Ms. Holmes stated that DCA has been busy issuing waivers for licensees during the
219 pandemic and 56 waivers have been currently issued. Ms. Holmes added that DCA is
220 looking at areas where changes can be made on an ongoing basis after the pandemic for
221 efficiencies and welcomed any feedback from Boards.

222
223 Ms. Holmes reported that the Board's current Board member vacancies are on DCA's
224 radar and DCA is doing all they can to help fill those vacancies. Ms. Holmes thanked Mr.
225 Kaiser for his help with this issue. Ms. Holmes added that the applicant pool for public
226 members can be small so if any Board members know of anyone that might be a great
227 fit, please encourage them to put in an application. Ms. Holmes stated that DCA would
228 be sending out a communications toolkit next week to help Boards spread the word about
229 appointments on social media.

230 231 **(C) California Physical Therapy Association (CPTA)**

232
233 Dr. James Syms represented the CPTA and provided an update to the Board. Dr. Syms
234 stated that PTBC is invited to be an exhibitor at the virtual annual conference on October
235 3-4, 2020.

236
237 Dr. Syms reported that CPTA submitted in writing, an inquiry regarding the physical
238 therapist removal of drains or iv's and asked if there was a status update on the Board's
239 response to that inquiry. Mr. Kaiser responded that the Board received the inquiry and
240 that the Board is almost done with their response as it has been necessary to work with

DCA Legal Counsel assigned to the Board. Mr. Kaiser added that once the Board has the response formalized it will be sent to the Association hopefully within the next 30 days.

10. Legislation Report – Brooke Arneson

(A) 2019/20 Legislative Session Summary

Ms. Arneson presented the legislative report and provided the members with an update on how the COVID-19 pandemic has impacted the legislative calendar and stated that there was a 75% decrease in the number of bills that went to the Governor's Office for signature this year compared to last year. Ms. Arneson referred the members to the legislative summary in the meeting materials and discussed the current status and changes to each bill since the last Board meeting as follows:

i. AB 888 (Low) Opioid Prescriptions: Information: Nonpharmacological Treatments for Pain

Ms. Arneson reported that AB 888 is dead as it did not pass out of the Senate by the deadline.

ii. AB 1263 (Low) Contracts: Consumer Services: Consumer Complaints

Ms. Arneson reported that AB 1263 is dead as it did not pass out of the Senate by the deadline however the provisions outlined in this bill were amended into SB 1474 which extends the Boards Sunset year by one year and will be discussed later in the legislation report.

iii. AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

Ms. Arneson reported that this bill is dead as it did not pass out of the Senate by the deadline.

iv. AB 1665 (Bonta) Athletic Trainers

Ms. Arneson reported that AB 1665 is dead as it did not pass out of the Senate by the deadline and that a copy of the Board's opposition letter was included in the meeting materials.

v. AB 1850 (Gonzalez) Worker Classification: Employees and Independent Contractors

Ms. Arneson reported that AB 1850 is dead as it did not pass out of the Senate by the deadline.

vi. AB 2028 (Aguiar-Curry) State Agencies: Meetings

Ms. Arneson reported that AB 2028 is dead as it did not pass out of the Senate by the deadline.

vii. AB 2113 (Low) Refugees, Asylees, and Immigrants: Professional Licensing

Ms. Arneson reported that AB 2113 was ordered to engrossing and enrolling on September 1st and the Governor has not yet acted on it.

viii. AB 2410 (Cunningham) Athletic Trainers

Ms. Arneson reported that AB 2410 is dead as it did not pass out of the Senate by the deadline. Ms. Arneson added that a copy of the Board's Support Letter was included in the meeting materials.

ix. AB 2549 (Salas) Department of Consumer Affairs: Temporary Licenses

Ms. Arneson reported that AB 2549 is dead as it did not pass out of the Senate by the deadline.

x. AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses

Ms. Arneson reported that AB 3045 is dead as it did not pass out of the Senate by the deadline.

xi. SB 878 (Jones) Department of Consumer Affairs Licensing: Applications: Wait Times

Ms. Arneson reported that SB 878 was ordered to engrossing and enrolling on September 10th and the Governor has not yet acted on the bill.

xii. SB 1474 (BPED Committee) Business and Professions

Ms. Arneson reported that SB 1474 would extend the Board's Sunset date by one year and also was recently amended to include provisions from AB 1263 and this bill was enrolled and presented to the Governor however he has not yet acted on the bill.

324
325 Dr. Rabena-Amen asked how AB 2113 would impact Board staff should it
326 pass. Mr. Kaiser responded and stated that given the volume of
327 applications that the Board receives for foreign credentials applicants, the
328 impacts of this bill would be minor and absorbable, and the Board would be
329 able to assist the applicant with the clinical placement and site approval.
330 Dr. Drummer asked does AB 2113 require the applicant to declare that they
331 are a refugee or granted asylum and Mr. Kaiser responded that yes, the bill
332 language does require that, however there may be changes that would need
333 to be made to the electronic BreEZe system to implement the provisions of
334 this bill.

335
336 Dr. Rabena-Amen asked how SB 878 would impact Board staff should it
337 pass. Mr. Kaiser responded that this bill has been on our radar for quite
338 some time and it is something that the Board has talked about doing
339 voluntarily. Mr. Kaiser added that a few weeks ago the Board started
340 posting wait times on the Board's social media so that applicants can see
341 the intake and licensure times. Mr. Kaiser added that the requirements of
342 this bill are still vague, and the Board wants to be able to provide this
343 information on the applicant's tab on the website and as staff become more
344 familiar with BreEze and the data it provides, the data can be reported with
345 reporting timeframes monthly and then update weekly.

346
347 Mr. Kaiser reported that with SB 1474 extending the Board's Sunset by one
348 year, the Board will now expire January 1st, 2023, and the Board will not be
349 going through Sunset this year, it will be next year. Mr. Kaiser stated that
350 we anticipate receiving the Sunset report in June or July of 2021, then PTBC
351 will form a panel and strategy and will come to the Board with
352 recommendations of changes for Sunset next year.

353
354 Dr. James Syms from CPTA, stated that regarding AB 888; CPTA wanted
355 to invite the Board to a virtual symposium on November 7, 2020 which will
356 identify the PT's current research involvement in pain and how important it
357 is for prescribers to discuss non pharmacological forms of intervention. Dr.
358 Syms added that this bill is a step forward for health care to be more
359 preventative to opioid addiction and address opioid use before it is a
360 problem, and this was a high-profile crisis before the pandemic. Dr.
361 Drummer asked how individuals can join that symposium and Dr. Syms
362 responded that it is on CPTA's website.

363
364 **11. Rulemaking Report – Brooke Arneson**
365 (A) 2019 Rulemaking Update
366

Ms. Arneson presented an overview of the rulemaking report and referred the members to the rulemaking update in the meeting materials and discussed the current status of each rulemaking item.

i. Examination Passing Standard/Setting Examination Score

Ms. Arneson reported that in June 2019, PTBC staff forwarded the pre-review regulation documents (the Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. Ms. Arneson added that in mid-February 2020, DCA Legal provided Board staff with their suggested edits and Board staff resubmitted the rulemaking package for initial phase review to DCA Legal in June 2020. Ms. Arneson stated that on July 20th PTBC withdrew the rulemaking package and documents due to lack of necessity. Mr. Kaiser added that staff had extensive conversations with DCA's Office of Professional Examination Services (OPES) and setting a pass point and putting it in regulation was not specified in statute and so OPES recommended avoiding putting the exam pass point in regulation. Mr. Kaiser added that the Board would provide the exam pass point on the Board's website as information readily available to applicants.

ii. Guidelines for Issuing Citations and Imposing Discipline, 6th Edition

Ms. Arneson reported that with the passage of AB 2138 (Chapter 995, Statutes of 2018) it was determined that the Disciplinary Guidelines needed to be amended further and modified proposed language was presented and adopted at the June 2019 meeting and in June 2019 PTBC staff forwarded the initial rulemaking package to DCA Legal for review. Ms. Arneson added that additional modifications to the Guidelines are necessary and will be discussed further under Agenda Item 11(C).

iii. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool

Ms. Arneson reported that in November 2019, PTBC staff forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. Ms. Arneson added that Board staff have worked with DCA Legal on suggested edits and in August 2020 the initial rulemaking package was submitted to DCA Legal for review.

iv. FSBPT's Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States

Ms. Arneson reported that in November 2019, PTBC staff forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. Ms. Arneson added that Board staff worked with DCA Legal on suggested edits and in August 2020 the rulemaking package was submitted to DCA Legal for initial phase review.

v. Substantial Relationship Criteria

vi. Rehabilitation Criteria for Denial and Reinstatement of Licensure

vii. Rehabilitation Criteria for Suspensions and Revocations

Ms. Arneson reported that the rulemaking package was submitted to DCA Legal for review in October 2019 and on December 26th the initial rulemaking package was submitted to Agency and in February 2020, Agency provided the Board with non-substantive edits. Ms. Arneson added that Board staff worked with DCA Legal to address these edits and resubmitted the package back to Agency for review and it was approved April 16, 2020. Ms. Arneson stated that the Notice was published by Office of Administrative Law (OAL) on June 26, 2020, and the 45-day public comment period ended on August 21, 2020 and the Board will review written comments received on this rulemaking package under Agenda Item 11(B) and discuss any modifications that may be necessary to the rulemaking package.

Ms. Arneson reported that all other items on the rulemaking tracking form are for potential rulemaking packages that will be presented to the Board for consideration in the upcoming year.

(B) Discussion and Possible Board Action regarding the Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations regulation – Clay Jackson

Mr. Clay Jackson, the Boards assigned regulatory attorney reported on the suggested modifications necessary to the AB 2138 rulemaking package as deemed by both DCA and OAL. Mr. Jackson stated that in January 2019, DCA worked with the Attorney General's Office and others to form a template that all the Boards could use for the AB 2138 regulations.

Mr. Jackson stated that the first rulemaking package was submitted in November 2019 by the California Veterinary Medical Board (VMB), and when it went to OAL they requested numerous changes, therefore, the rulemaking package needed to be withdrawn and it also necessitated that the other DCA Boards make the same changes to their proposed rulemaking packages in order for them to be approved by OAL.

Mr. Jackson referred members to the text and presented the suggested edits by OAL in the meeting materials:

BPC 1399.20(2) adding “to be substantially” to address OAL’s suggestion so that references to substantial relationship could be addressed together in one regulation.

BPC 1399.20(b)(2) striking “and” which was deemed by OAL as a nonsubstantive change.

Adding BPC 480 to the “Authority Cited.”

BPC 1399.21(a), OAL believed that the term “eligible” was unclear and it could be viewed as referring to other eligibility requirements for licensure, rather than referring to fitness or suitability for licensure.

Dr. Drummer suggested that in 1399.21(a) the sentence needed an “and” or an “or not” following the suggested edit to make the sentence an appropriate sentence and link the sentence. Mr. Jackson stated that it would be a non-substantive change. Mr. Kanotz, Board’s legal counsel, added that he didn’t suggest adding the “and” to this subsection. Dr. Drummer suggested adding a comma to the section. Mr. Jackson stated the comma was in the original revision done last year. Mr. Kaiser added that it is a preference of style; and Dr. Drummer responded that the comma should be included in this subsection.

BPC 1399.21(b) OAL viewed the stricken text to be unclear in specifying the circumstances when the regulation would apply. OAL changed the text from a catch-all approach to where each application is specified. The cited sections are an exhaustive list of the sections that authorize the Board to deny a license.

BPC 1399.21(b)(1) “professional misconduct” was suggested to be added.

BPC 1399.21(b)(3) due to the addition of the practice act references in paragraph (b), OAL considered this change to be a necessary conforming change to account for the additional grounds for denial apart from Section 480.

BPC 1399.22(b) OAL viewed the stricken text to be unclear in specifying the circumstances when the regulation would apply. OAL changed the

495 text from a catch-all approach to where each application is specified. The
496 cited sections are an exhaustive list of the sections that authorize the
497 Board to discipline a license.
498

499 BPC 1399.22(b)(1) “disciplinary actions” was suggested to be added.
500

501 BPC 1399.22(b)(5) strike “divisions” and replace with subsection.
502

503 Mr. Jackson reported that all edits that were suggested by OAL have been
504 made to the Board’s proposed language.
505

506 **MOTION:** Approve the proposed regulatory text for Title 16, CCR
507 sections 1399.20, 1399.21, and 1399.22, and direct
508 staff to submit the text to the Director of Consumer
509 Affairs and the Business, Consumer Services, and
510 Housing Agency for review, and, if no adverse
511 comments are received, authorize the Executive
512 Officer to take all steps necessary to amend the
513 preceding rulemaking package, initiate a revised
514 rulemaking process, make any non-substantive
515 technical or grammatical changes to the package, and
516 set the matter for hearing.
517

518 **M/S:** Drummer/McMillian
519

520 **VOTE:** Dominguez- Aye
521 Drummer – Aye
522 Eleby – Aye
523 McMillian – Aye
524 Rabena-Amen - Aye
525 5-0 Motion carried
526

527 **(C) Discussion and Possible Board Action regarding the Guidelines for**
528 **Issuing Citations and Imposing Discipline, 6th Edition regulation – Clay**
529 **Jackson**
530

531 Mr. Clay Jackson, the Boards assigned regulatory attorney reported on the
532 suggested modifications necessary to the proposed Disciplinary Guidelines
533 rulemaking package as deemed by both DCA. Mr. Jackson stated that in the
534 most recent review, two sections were identified for modification and require
535 consideration by the Board:
536

537 "Substance Abuse Rehabilitation Program"- Overview of Participant
538 Requirements and Costs- Staff proposed to delete all reference to costs
539 associated with the Substance Abuse Rehabilitation Program to avoid
540 having amend CCR section 1399.15 each time the costs escalate. The
541 costs are set by the contracted vendor of the program and not by the Board.
542

543 Mr. Jackson agreed with the proposal to delete all reference to costs
544 associated with the Substance Abuse Rehabilitation Program. Mr.
545 Kaiser added that these costs are better listed on the Board's
546 website that is tailored to an individual's circumstances and updated
547 frequently with costs as they change; therefore, the use of hyperlinks
548 is more clear.
549

550 Dr. Drummer stated that he liked the hyperlinks directing people to
551 the specific places to find the information they needed.
552

553 Dr. Drummer suggested under "Random Biological Testing" adding
554 the word "costs" directly after the word "RBT." The Board agreed
555 with this edit. Mr. Kaiser stated the edit would be made to the
556 proposed language.
557

558 Dr. Drummer suggested striking "all charge different fees and" under
559 the "Professional Support Group Meeting Fees." The Board agreed
560 with this edit. Mr. Kaiser stated the edit would be made to the
561 proposed language.
562

563 "Probation Conditions Specific to Violation"- New section "BB." Biological
564 Fluid Testing- language was stricken in error. Staff proposed to restore it
565 back to its original state.
566

567 Dr. Drummer suggested striking "associated with this condition" from
568 the last sentence in the first paragraph of BB. Biological Testing. The
569 Board agreed with this suggestion. Mr. Kaiser stated the edit would
570 be made to the proposed language.
571

572 Dr. Drummer suggested striking "a minimum range of" in the second
573 sentence under BB. Biological Testing. The Board agreed with this
574 edit and Mr. Kaiser stated the edit would be made to the proposed
575 language.
576

577 Dr. Drummer suggested striking "drug testing" from the third
578 paragraph under BB. Biological Testing and replacing it with
579 "biological testing" since that is the language that is used

consistently. The Board agreed with this edit. Mr. Kaiser stated the edit would be made to the proposed language.

Dr. Drummer suggested replacing test “results” with test “sample” on the fifth paragraph under BB. Biological Testing. In addition, Dr. Drummer suggested, striking “urine screen” and replacing with “positive result.” The Board agreed with this edit. In addition, the Board agreed with making this paragraph a new paragraph to break it up for clarity. Mr. Kaiser stated the edit would be made to the proposed language.

MOTION: Approve the proposed regulatory text with edits for Title 16, CCR section 1399.15, and direct staff to submit the text to the Director of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to amend the preceding rulemaking package, initiate a revised rulemaking process, make any nonsubstantive technical or grammatical changes to the package, and set the matter for hearing if requested.

M/S: Drummer/McMillian

VOTE: Dominguez- Aye
Drummer – Aye
Eleby – Aye
McMillian – Aye
Rabena-Amen - Aye
5-0 Motion carried

12. Administrative Services Quarterly Update

(A) Budget Report

Mr. Kaiser reported that recently the Board has new reports generated from FI\$Cal; the State’s new accounting system that will help reconcile the Board’s budget; however, there is a large learning curve in transitioning from previous reports to the FI\$Cal reports and he thanked staff for their hard work. Mr. Kaiser added that the Board is very aware of the bottom line and is receiving expected revenues despite the pandemic.

622 Mr. Kaiser reported that the Board is also very cognizant of its spending
623 during this time especially with the Board's move and there were some
624 added expenditures for the move upstairs; however, due to planning, the
625 Board was able to manage those increased costs and put money back into
626 the fund. Mr. Kaiser added that budget savings came from caps on line item
627 spending; position vacancies and being hyper vigilant of the Board's
628 spending.

629
630 Dr. Rabena-Amen asked what the Board's budget for temp help is. Mr.
631 Kaiser responded that the Board does not have a line item for temp help.
632 Dr. Rabena-Amen asked if the Board anticipated any new line items in the
633 budget report and Mr. Kaiser responded that staff are always looking at that
634 option and would need to collect 3 years of data before recommending to
635 the budget office to have a line item amended or added.

636
637 Mr. Kaiser stated that the budget report display will change in the future
638 because of the new reports the Board is receiving from FI\$Cal; however,
639 staff would try to keep the formatting as consistent as possible. Mr. Kaiser
640 added that over time adjustments have been made to line items to show a
641 better depiction of the Board's spending.

642
643 Dr. Drummer asked if the Board is responsible for the salary of the employee
644 who has been delegated to contact tracing due to the pandemic. Mr. Kaiser
645 responded that yes, the Board is fiscally responsible for the salary of the
646 position redirected for contact tracing and the Board is fortunate that only
647 one position has had to be redirected at this time and in the future an
648 executive order may demand additional positions.

649 650 (B) Outreach Report

651
652 Mr. Kaiser reported that website traffic has decreased on the Board's
653 homepage; however, it is to be expected due to the efficient delivery of
654 information by other tools, such as social media and listserv which
655 disseminates information to our stakeholders.

656
657 Mr. Kaiser reported that due to the pandemic, the Board has had to cancel
658 in-person presentations to educational programs; however, the Board has
659 been utilizing electronic means and recently provided virtual presentations
660 to Gurnick Academy; California State University, Sacramento; University of
661 Pacific and is anticipating presenting at the upcoming CPTA convention.

662
663 Mr. Kaiser added that the Listserv system was recently updated, and it now
664 allows for additional reports that the Board will be able to utilize as we learn

665 how to use the new features of the software. Dr. Drummer asked how many
666 current emails Listserv contains, and Mr. Kaiser responded that the Board
667 has just under 30,000 emails in Listserv which includes both license types.
668

669 Dr. James Syms asked if there were any reports of emails being dropped in
670 the Listserv system. Mr. Kaiser responded the Board is not aware of
671 dropped emails occurring; however there have been situations where an
672 interested party has thought they had their email address on file with the
673 Board and in researching that email; staff have found that it was never
674 officially submitted with the Board or it was entered incorrectly and never
675 verified. Dr. Syms asked if a licensee renews their license through BreEZe
676 does that automatically put their email on the Listserv list. Mr. Kaiser
677 responded that the email address used to create a BreEZe account is
678 separate from PTBC's Listserv.
679

680 **13. Application Services Quarterly Update**

681 (A) Program Statistics

682 (B) Statistical Reports
683

684 Dr. Rabena-Amen asked why the percentages in the tables do not add up
685 and Mr. Kaiser responded that they will not add up as they are percentage
686 categories.
687

688 Dr. Drummer asked if foreign applicants are included in Out of State and
689 Mr. Kaiser responded yes.
690

691 Mr. Kaiser stated that there has been a significant decrease in the receipt
692 of applications in the last quarter as a result of the pandemic which is due
693 to the delay of graduation dates and delay of clinical placements. Mr. Kaiser
694 added that this should be remedied in the next quarter as these issues are
695 resolved.
696

697 Dr. Rabena-Amen questioned what non-accredited PT programs are; and
698 Mr. Kaiser responded that they are foreign programs and any program that
699 is not CAPTE or PACE accredited.
700

701 Dr. James Syms stated that some of the labels were missing in the tables
702 and Mr. Kaiser responded that it is usually caused by the ADA conversion
703 issue between the original PDF and ADA compliant version of the PDF and
704 that the tables would be edited and updated on the Board's website.
705

706 **14. Licensing Services Quarterly Update**

707 (A) Program Statistics

708 (B) Statistical Reports
709

710 Dr. Drummer stated that the pie charts are very interesting and informative
711 and added that he was surprised that California adjacent states (Oregon,
712 Arizona, Nevada) make such a small percentage of the out of state locations
713 for California licensees. Dr. Rabena-Amen added that she was also
714 surprised to see that 11% of Out of Country licensees are from Japan. Mr.
715 Kaiser added that the information displayed is based on the address of
716 record and not their residential address.
717

718 **15. Continuing Competency Services Quarterly Update**

719 (A) Program Statistics

720 (B) Statistical Reports
721

722 Mr. Kaiser reported that due to the pandemic, the Board has had to redirect
723 continuing competency resources to Application Services to help with the
724 operational need, therefore no licensee audit data is being reported at this
725 meeting.
726

727 **16. Consumer Protection Services Quarterly Update**

728 (A) Program Statistics

729 (B) Statistical Reports
730

731 Mr. Kaiser reported that the Consumer Protection Services report has
732 remained static when comparing previous year to current year except for a
733 few items regarding performance measures, which are affected by the
734 pandemic in 3rd and 4th quarter. Mr. Kaiser stated that some of the cases,
735 such as petitions, have been delayed since they could not be heard by the
736 Board and had to be redirected to the Office of Administrative Hearings. Mr.
737 Kaiser added that there have also been delays due to the pandemic with
738 the Division of Investigations and Attorney General's Office as well.
739

740 **17. Probation Monitoring Services Quarterly Update**

741 (A) Program Updates

742 (B) Statistical Reports
743

744 Mr. Kaiser reported that the reports show the Board's probation numbers as
745 static from year to year and as probationers exit probation, there is a steady
746 stream of attrition and succession with the number of probationers in the
747 high 80's to low 90's. Mr. Kaiser added that the Board will be recruiting
748 soon for a second probation monitor, which will be a huge benefit. Mr.
749 Kaiser stated that due to the pandemic the Board has relied on electronic
750 means of communication with probationers such as zoom calls etc.

751
752 **18. Public Comment on Items Not on the Agenda**

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

757 Dr. James Syms stated that the FSBPT Changing Hats training that was
758 provided during this meeting is available on FSBPT's website as well.
759

760 Dr. James Syms asked how to get the continuing education credit for
761 participating at the WebEx Board meeting. Mr. Kaiser responded to please
762 request a card electronically through pt@ptbc.ca.gov and participants will
763 receive credit for attending the Board meeting via WebEx.
764

765 Dr. James Syms thanked the Board for their hard work and dedication.
766

767 **19. Agenda Items for Future Meeting –**

768
769 December 10-11, 2020
770 Department of Consumer Affairs
771 2005 Evergreen Street, Hearing Room
772 Sacramento, CA 95815
773

774 Dr. Drummer received a request from a licensee for a Board opinion on
775 whether PT's are permitted to deliver or manage oxygen titration under a
776 physician's orders since oxygen is considered a drug and PT's are not allowed
777 to deliver medications. Mr. Kaiser responded that the Board is familiar with
778 this request and a response to this request will be provided shortly.
779

780 Mr. Kaiser added that a public comment was made earlier in the meeting by Dr.
781 Michael Infantino to have dry needling considered for a future board meeting.
782

783 **20. Closed Session**

784 (A) Pursuant to Government Code section 11126(c)(3), the Board will
785 Convene to

786 Deliberate on Disciplinary Actions and Decisions to be Reached in
787 Administrative Procedure Act Proceedings.
788

789 (B) Pursuant to Government Code section 11126(a)(1), the Board will
790 Convene to

791 Consider the Evaluation of Performance of the Executive Officer
792

(C) Pursuant to Government Code section 11126(e)(1) and (2)(A), the Board will convene to confer with, or receive legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

The Board entered closed session at 3:09 p.m. and reconvened into open session to adjourn at 4:04 p.m. on September 17, 2020.

21. Reconvene Open Session

The Board reconvened from closed session into open session to adjourn at 4:04 p.m. on September 17, 2020.

22. Adjournment

The meeting adjourned at 4:04 p.m. on September 17, 2020.



Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Katarina Eleby, M.A.

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Johnathon Ervin

Tonia McMillian

Vacant, Professional Member

Physical Therapy Board of California **DRAFT Meeting Minutes**

December 10, 2020 9:00 a.m.

Department of Consumer Affairs
Public WebEx and Teleconference
Platform

Board Staff

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Executive Analyst

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

Thursday, December 10, 2020

1. Call to Order

The Physical Therapy Board of California (Board) meeting was called to order by President Dr. Rabena-Amen at 9:07 a.m. and adjourned at 12:23 p.m. on December 10, 2020.

2. Roll Call and Establishment of Quorum

Dominguez- Present
Drummer – Present
Eleby – Present
Ervin – Present
McMillian – Present
Rabena-Amen - Present

All members were present, and a quorum was established. Also present at the meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Assistant Executive Officer; Brooke Arneson, Board staff, and Trisha St. Clair, DCA SOLID Webcast Moderator.

3. Reading of the Board's Mission Statement

Mr. Ervin read the Board's mission statement: To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

32
33 **4. Discussion and Possible Board Action on the 2021 Rulemaking Calendar**
34

35 Ms. Arneson presented the proposed 2021 rulemaking calendar for Board consideration.
36

37 Mr. Kaiser added that many of the rulemaking packages have been on the Board's
38 rulemaking calendars for the previous few years and that the two new rulemaking items
39 that the Board would be pursuing this year is retired license status and continuing
40 competency. Mr. Kaiser added that the Office of Administrative Law (OAL) uses these
41 rulemaking calendars to anticipate upcoming projected rulemaking workload for the year.
42

43 **MOTION:** Adopt the 2021 Rulemaking Calendar
44

45 **M/S:** Eleby/McMillian
46

47 **VOTE:** Dominguez- Aye
48 Drummer – Aye
49 Eleby – Aye
50 Ervin – Aye
51 McMillian – Aye
52 Rabena-Amen - Aye
53 6-0 Motion carried
54

55 **5. Public Comment on Items Not on the Agenda**

56 *Please note that the Board may not discuss or take action on any matter raised during*
57 *this public comment section that is not included on this agenda, except to decide whether*
58 *to place the matter on the agenda of a future meeting. (Government Code sections*
59 *11125, 11125.7(a).)*
60

61 The Board requested public comment on items not on the agenda.

62 Dr. Leslie Torburn asked when the Electromyography (KEMG) and
63 Electroneuromyography (ENMG) exam was provided and if the Board was considering
64 working on an updated exam consistent with current technology and current practice.

65 Dr. James Syms, as a representative from the California Physical Therapy Association
66 (CPTA), thanked the Board for responding to a request for information regarding the
67 use and removal of IV and Oxygen lines in the practice of physical therapy.

68 Dr. James Syms also asked as a licensee of the Board, how the consideration of a new
69 topic could be added to the rulemaking calendar. Dr. James Syms stated that there is a
70 law in Texas which requires that documentation by a PTA must identify who their
71 supervising PT is, and he knows this has been a problem in CA in the past and he felt
72 that Texas had found a solution to the documentation of supervision problem.

73 Mr. Kaiser responded to Dr. Leslie Torburn that the Board has received a formal request
74 for the KEMG/ENMG exam information and would be responding to that inquiry soon.

Mr. Kaiser added that the KEMG/ENMG examinations were developed a long time ago and the Board does provide the examination on demand and the last time the Board received an application for this exam was in 2018 and that was the last time the Board administered the exam. Mr. Kaiser added that the Board is looking at reevaluating the KEMG/ENMG examination which would require working with the Department of Consumer Affairs Office of Professional Exam Services; however, he cannot comment on when that will begin and how long that will take at this time, as it is based on necessity and the Board's resources.

Mr. Kaiser responded to Dr. James Syms that it would be appropriate to ask the Board to consider rulemaking topics (for example: documentation of supervision) in the next agenda item: "Agenda Items for Future Meeting."

6. Agenda Items for Future Meeting –

March 24-25, 2021
Department of Consumer Affairs (WebEx)
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815

Dr. Dominguez requested adding an agenda item about telemedicine and jurisdiction questions.

Dr. James Syms requested adding an agenda item regarding an official opinion on health and wellness and there is a formal letter from CPTA requesting this be addressed at a future meeting.

Dr. James Syms requested adding an agenda item for discussion regarding documentation of supervision of PTA's and looking at what other jurisdictions are doing to address this issue.

7. Closed Session

(A) Pursuant to Government Code section 11126(c)(3), the Board will Convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings.

(B) Pursuant to Government Code section 11126(a)(1), the Board will Convene to Consider the Evaluation of Performance of the Executive Officer

(C) Pursuant to Government Code section 11126(e)(1) and (2)(A), the Board will

116 convene to confer with, or receive legal counsel regarding pending litigation
117 when discussion in open session concerning those matters would prejudice the
118 position of the state body in the litigation.
119

120 The Board entered closed session at 9:34 a.m. and reconvened into open
121 session to adjourn at 12:23 p.m. on Thursday, December 10, 2020.
122

123 **8. Reconvene Open Session**
124

125 The Board reconvened from closed session into open session to adjourn at 12:23 p.m.
126 on December 10, 2020.
127

128 **9. Adjournment**
129

130 The meeting adjourned at 12:23 p.m. on December 10, 2020.
131
132



1

Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Katarina Eleby, M.A.

Members

Dayle C. Armstrong, Ph.D., P.T., MS, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Johnathon Ervin

Tonia McMillian

Physical Therapy Board of California

DRAFT Meeting Minutes

February 24, 2021 9:00 a.m.

Department of Consumer Affairs
Public WebEx and Teleconference
Platform

Board Staff

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Executive Analyst

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

5

6

7

Wednesday, February 24, 2021

8

1. Call to Order

9

10 The Physical Therapy Board of California (Board) meeting was called to order by
11 President Dr. Rabena-Amen at 9:00 a.m. and adjourned at 11:26 a.m. on
12 February 24, 2021.

13

14

2. Roll Call and Establishment of Quorum

15

16

Armstrong - Present

17

Dominguez- Present

18

Drummer - Present

19

Eleby - Present

20

Ervin - Present

21

McMillian - Present

22

Rabena-Amen - Present

23

24

25 All members were present, and a quorum was established. Also present at the
26 meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive
27 Officer; Elsa Ybarra, Assistant Executive Officer; Brooke Arneson, Board staff,
28 and Trisha St. Clair, DCA SOLID Webcast Moderator.

29

Dr. Rabena-Amen introduced new Board Member Dr. Dayle Armstrong.

30

31

3. Reading of the Board's Mission Statement

32
33 Dr. Armstrong read the Board's mission statement: To advance and protect the
34 interests of the people of California by the effective administration of the Physical
35 Therapy Practice Act.
36

37 **4. Public Comment on Items Not on the Agenda**

38 *Please note that the Board may not discuss or take action on any matter raised during*
39 *this public comment section that is not included on this agenda, except to decide whether*
40 *to place the matter on the agenda of a future meeting. (Government Code sections*
41 *11125, 11125.7(a).)*
42

43 The Board requested public comment on items not on the agenda.
44 Dr. Drummer congratulated Dr. Rabena-Amen and Ms. Eleby on their recent
45 reappointments.

46 **5. Agenda Items for Future Meeting –**

47
48 March 24-25, 2021
49 Department of Consumer Affairs
50 WebEx
51

52 No agenda items were suggested for a future meeting.
53

54 **6. Closed Session**

55 (A) Pursuant to Government Code section 11126(c)(3), the Board will
56 Convene to
57 Deliberate on Disciplinary Actions and Decisions to be Reached in
58 Administrative Procedure Act Proceedings.
59

60 (B) Pursuant to Government Code section 11126(a)(1), the Board will
61 Convene to
62 Consider the Evaluation of Performance of the Executive Officer
63

64 (C) Pursuant to Government Code section 11126(e)(1) and (2)(A), the
65 Board will
66 convene to confer with, or receive legal counsel regarding pending litigation
67 when discussion in open session concerning those matters would prejudice the
68 position of the state body in the litigation.
69

70 The Board entered closed session at 9:06 a.m. and reconvened into open
71 session to adjourn at 11:26 a.m. on Wednesday, February 24, 2021.
72

73 **7. Reconvene Open Session**

74
75 The Board reconvened from closed session into open session to adjourn at 11:26 a.m.
76 on February 24, 2021.

77
78 **8. Adjournment**

79 The meeting adjourned at 11:26 a.m. on February 24, 2021.
80
81
82

Physical Therapy Board of California

Proposed 2021 Meeting Calendar

January							February							March							April						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
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10	11	12	13	14	15	16	14	15	16	17	18	19	20	14	15	16	17	18	19	20	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	21	22	23	24	25	26	27	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28							28	29	30	31				25	26	27	28	29	30	
31																											

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

September							October							November							December						
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12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
							31																				

January		February		March		April	
1	New Year's Day	15	President's Day	24-25	PTBC Meeting WebEx	6	PTA NPTE
6	PTA NPTE	1-28	APTA Sections Meeting Virtual Event	31	César Chávez Day	20	CPTA Student Conclave Virtual Event
15	APTA Founders Day APTA Social Media					4	Easter
18	Martin Luther King Jr					28	PT NPTE
26	PT NPTE						
May		June		July		August	
9	Mother's Day	20	Father's Day	4	Independence Day		
31	Memorial Day	24-25	PTBC Meeting WebEx	6	PTA NPTE		
				17-18	FSBPT LIF Virtual Event		
				27&28	PT NPTE		

September		October		November		December	
6	Labor Day	6	PTA NPTE	11	Veteran's Day	9-10	PTBC Meeting WebEx
10-14	APTA Centennial Gala Washington, DC	TBD	CPTA Annual Meeting TBD	25	Thanksgiving	25	Christmas
15-16	PTBC Meeting WebEx	22-23	FSBPT Annual Meeting Virtual Event				
		27	PT NPTE				
		31	Halloween				

Physical Therapy Board of California

Proposed 2022 Meeting Calendar

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

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

September							October							November							December						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
				1	2	3							1			1	2	3	4	5					1	2	3
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
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25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
							30	31																			

January							February							March							April						
1	New Year's Day						21	President's Day						23-24	PTBC Meeting TBD, Southern CA						6	PTA NPTE					
5	PTA NPTE						TBD	APTA Sections Meeting San Antonio, Texas													TBD	CPTA Student Conclave TBD					
26	PT NPTE													31	César Chávez Day						17	Easter					
																					27	PT NPTE					

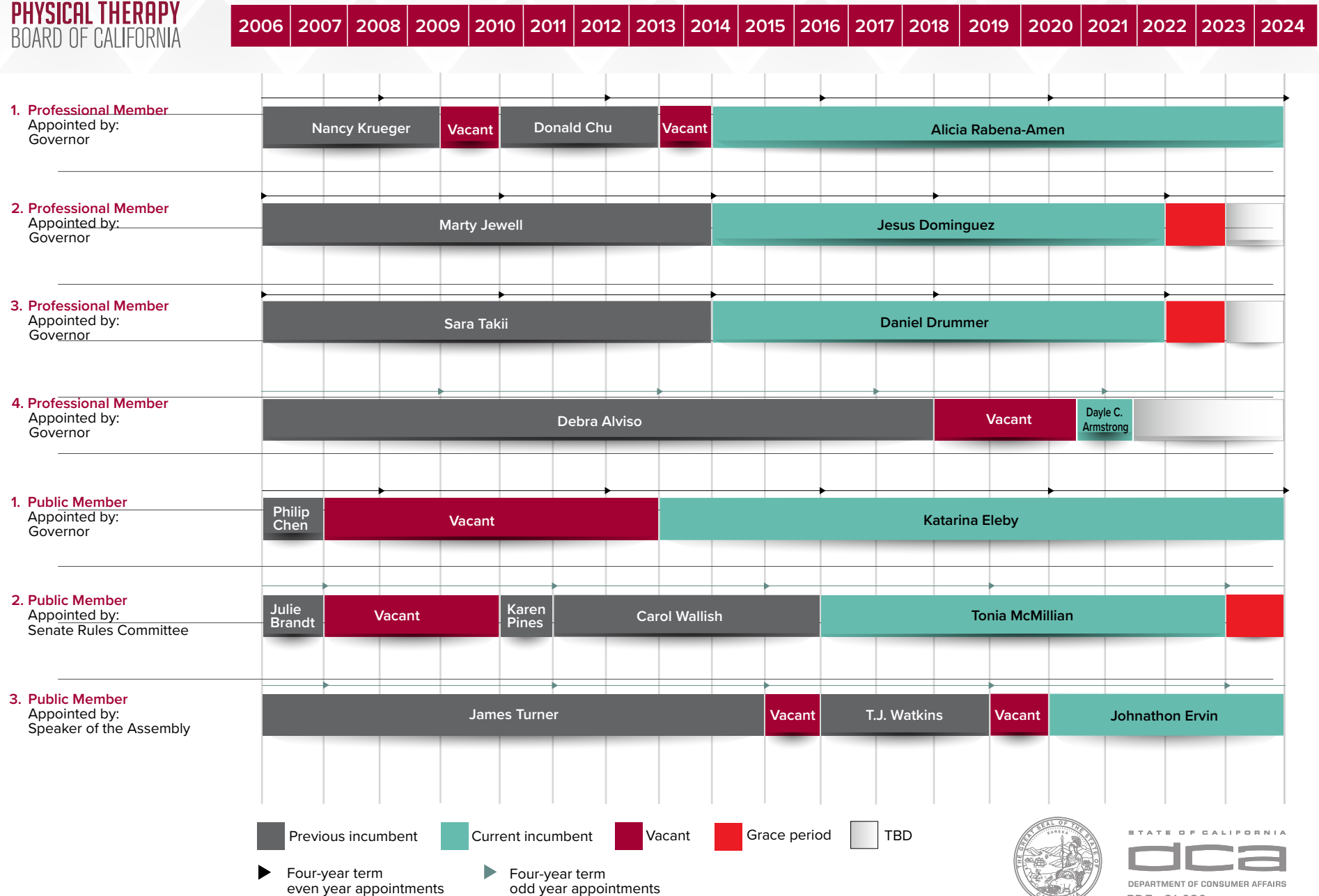
May							June							July							August						
8	Mother's Day						TBD	FSBPT REG Training						4	Independence Day												
30	Memorial Day							TBD						6	PTA NPTE												
							19	Father's Day						TBD	FSBPT LIF												
							23-24	PTBC Meeting Sacramento, CA						27&28	PT NPTE												

September							October							November							December						
5	Labor Day						TBD	CPTA Annual Meeting						TBD	FSBPT Annual Meeting						8-9	PTBC Meeting Sacramento, CA					
TBD	APTA Centennial Gala							TBD							TBD												
							6	PTA NPTE						11	Veteran's Day						26	Christmas					
14-15	PTBC Meeting TBD Bay Area, CA						26	PT NPTE						24	Thanksgiving												
							31	Halloween																			



PHYSICAL THERAPY
BOARD OF CALIFORNIA

PTBC BOARD MEMBER TERMS



STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS
PDE_21-030



Briefing Paper

Agenda Item 10(A)

Date: 2/4/2021

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Waivers Issued by the Director of the California Department of Consumer Affairs

Purpose:

To provide an update on the waivers issued by the Director of DCA.

- Attachments:**
1. DCA Waiver DCA-20-01 Continuing Education
 - a. First Extension - DCA Waiver DCA-20-27
 - b. Second Extension - DCA Waiver DCA-20-53
 - c. Third Extension - DCA Waiver DCA-20-69
 - d. Fourth Extension - DCA Waiver DCA-20-89
 - e. Fifth Extension - DCA Waiver DCA-21-117
 2. DCA Waiver DCA-20-02 Reinstatement of Licensure
 - a. First Extension - DCA Waiver DCA-20-57
 3. DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
 - a. First Extension - DCA Waiver DCA-20-28
 - b. Second Extension - DCA Waiver DCA-20-46
 - c. Third Extension - DCA Waiver DCA-20-75
 - d. Fourth Extension - DCA Waiver DCA-20-95
 - e. Fifth Extension – DCA Waiver DCA-21-122
 4. DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements
 - a. First Extension - DCA Waiver DCA-20-66
 - b. Second Extension - DCA Waiver DCA-20-78
 - c. Third Extension - DCA Waiver DCA-21-107

Update:

Pursuant to the Governor's Executive Order N-39-20 issued March 4, 2020, DCA was granted the authority to provide waivers during the state of emergency resulting from COVID-19. DCA issued eight waiver orders applicable to physical therapist and physical therapist assistant licensees:

1. **DCA-20-01 Continuing Education (3/31/20)** – Temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and June 30th, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.

- a. **First Extension - DCA-20-27 Extending DCA Waiver DCA-20-01 (7/1/20)** – Extends DCA waiver DCA-20-01 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between July 1st and August 31st, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
 - b. **Second Extension - DCA-20-53 Extending DCA Waiver DCA-20-01 (8/27/20)** – Supersedes DCA waiver DCA-20-27 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and October 31st, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
 - c. **Third Extension - DCA-20-69 Extending DCA Waiver DCA-20-01 (10/22/20)** – Supersedes DCA waiver DCA-20-53 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and December 31st, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
 - d. **Fourth Extension - DCA-20-89 Extending DCA Waiver DCA-20-01 (12/15/20)** – Supersedes DCA waiver DCA-20-69 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between January 1st and February 28th. Licensees must complete continuing competency requirements within six months of the date of the order.
 - e. **Fifth Extension - DCA-21-117 Extending DCA Waiver DCA-20-01 (2/26/21)** – Supersedes DCA waiver DCA-20-89 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 1st and March 31st. Licensees must complete continuing competency requirements within six months of the date of the order.
2. **DCA-20-02 Reinstatement of License (3/3/20)** – Allows licensees to reinstate an inactive or retired license without paying fees or completing continuing competency. Reinstatement pursuant to this order is valid for six months or until the state of emergency ceases to exist, whichever is sooner.
 - a. **First Extension - DCA-20-57 Extending DCA Waiver DCA-20-02 (9/1/20)** – Extends DCA waiver DCA-20-02 and allows licensees to reinstate an inactive or retired license without paying fees or completing continuing competency. Reinstatement pursuant to this order is valid for six months or until the state of emergency ceases to exist, whichever is sooner.
3. **DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment (5/6/20)** – Temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates 60 days from the date of the order.
 - a. **First Extension - DCA-20-28 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (7/1/20)** – Extends DCA Waiver DCA-20-09 and temporarily waives requirement for a licensed physician and

surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates an additional 60 days, on September 3, 2020, unless further extended.

- b. **Second Extension - DCA-20-46 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (8/27/20)** – Extends DCA Waiver DCA-20-09 and temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates an additional 60 days, on November 2, 2020, unless further extended.
 - c. **Third Extension - DCA-20-75 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (10/22/20)** – Extends DCA Waiver DCA-20-09 and temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates on December 31, 2020, unless further extended.
 - d. **Fourth Extension - DCA-20-95 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (12/15/20)** – Extends DCA Waiver DCA-20-09 and temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates on February 28, 2021 unless further extended.
 - e. **Fifth Extension - DCA-21-122 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (2/26/21)** – Extends DCA Waiver DCA-20-09 and temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates on April 30, 2021 unless further extended.
4. **DCA-20-25 Extending Time to Satisfy Examination Requirements (6/23/20)** – Temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between March 31, 2020, and July 1, 2020, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.

- a. **First Extension - DCA-20-66 Waiver Extending DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements (9/30/20)** – Extends DCA Waiver DCA-20-25 and temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between March 31, 2020, and November 30, 2020, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.
- b. **Second Extension - DCA-20-78 Waiver Extending DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements (11/25/20)** – Extends DCA Waiver DCA-20-25 and temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between December 1, 2020, and January 31, 2021, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.
- c. **Third Extension - DCA-21-107 Waiver Extending DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements (1/26/21)** – Extends DCA Waiver DCA-20-25 and temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between February 1, 2021, and April 2, 2021, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.

Action Requested: None.



Briefing Paper

Date: February 4, 2021

Agenda Item 13

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Legislation Report

Purpose:

To provide an update on the 2021/22 Legislative session.

Attachments:

1. [2021 Legislative Calendar](#)
2. [Definition of the Board's Legislative Positions](#)
3. [2021/22 Legislative Summary](#)

Background and Update:

The 2021 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.

Upcoming Legislative Calendar Highlights:

February 19, 2021	Last day for bills to be introduced
March 25, 2021	Spring Recess Begins
April 5, 2021	Legislature Reconvenes from Spring Recess
June 4, 2021	Last Day for Bills to be Passed Out of the House of Origin
July 16, 2021	Summer Recess Begins
August 16, 2021	Legislature Reconvenes from Summer Recess
September 3, 2021	Last Day to Amend Bills on the Floor
September 10, 2021	Last Day for Each House to Pass Bills

October 10, 2021	Last Day for the Governor to Sign or Veto Bills Passed by the Legislature on or Before Sept. 10 th and in the Governor's Possession after Sept. 10 th .
January 1, 2022	Statutes take Effect
January 3, 2022	Legislature Reconvenes

In addition, a 2021/22 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:

No action requested.

2021 TENTATIVE LEGISLATIVE CALENDAR
COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE CHIEF CLERK
Revised 12-21-2020

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						

FEBRUARY						
S	M	T	W	TH	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH						
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21	22	23	24	25	26	27
28	29	30	31			

APRIL						
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MAY						
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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. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- [Jan. 11](#) Legislature **reconvenes** (J.R. 51(a)(1)).
- [Jan. 18](#) Martin Luther King, Jr. Day.
- [Jan. 22](#) Last day to submit **bill requests** to the Office of Legislative Counsel.

- [Feb. 15](#) Presidents' Day
- [Feb. 19](#) Last day for bills to be **introduced** (J.R. 61(a)(1)), (J.R. 54(a)).

- [Mar. 25](#) **Spring Recess** begins upon adjournment of this day's session (J.R. 51(a)(2)).
- [Mar. 31](#) Cesar Chavez Day.

- [Apr. 5](#) Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).
- [Apr. 30](#) Last day for **policy committees** to hear and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

- [May 7](#) 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 14](#) Last day for **policy committees** to meet prior to June 7 (J.R. 61(a)(4)).
- [May 21](#) 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 7 (J.R. 61 (a)(6)).
- [May 31](#) Memorial Day.

* Holiday schedule subject to final approval by Rules Committee

2021 TENTATIVE LEGISLATIVE CALENDAR
COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE CHIEF CLERK
Revised 12-21-2020

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

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

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

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

June 1-4 **Floor Session Only.** No committee, other than Conference or Rules, may meet for any purpose (J.R. 61(a)(7)).

June 4 Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

June 7 Committee meetings may resume (J.R. 61(a)(9)).

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

July 2 Independence Day observed.

July 14 Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).

July 16 **Summer Recess** begins upon adjournment of this day's session, provided Budget Bill has been passed (J.R. 51(a)(3)).

Aug. 16 Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

Aug. 27 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(a)(11)).

Aug. 30-Sept. 10 **Floor Session only.** No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

Sept. 3 Last day to **amend** bills on the Floor (J.R. 61(a)(13)).

Sept. 6 Labor Day.

Sept. 10 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

2021

Oct. 10

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

2022

Jan. 1

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

Jan. 3

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

**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.

AB 29

State Bodies: Meetings:

Author: Cooper (D)

Status: Introduced Assembly 12/7/20. Referred to Committee on Governmental Organization on 1/11/21.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Current law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting. This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting.

AB 54

COVID-19 Emergency Order Violation: License Revocation

Author: Kiley (R)

Status: Introduced Assembly 12/7/20. Referred to Business and Professions Committee and Committee on Governmental Organization on 1/11/21.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill would prohibit the Department of Consumer Affairs, a board within the Department of Consumer Affairs, and the Department of Alcoholic Beverage Control from revoking a license for failure to comply with any COVID-19 emergency orders unless the board or department can prove that lack of compliance resulted in transmission of COVID-19.

AB 107

Licensure: Veterans and Military Spouses

Author: Salas (D)

Status: Amended Assembly 2/25/21. Re-referred to Business and Professions Committee.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: Current law requires a board within the Department of Consumer Affairs to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. This bill would require boards not subject to the temporary licensing provisions as specified to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided..

2021/22 Legislative Summary

Quarterly Report (Q1/Q2)

Agenda Item 13

AB 225

DCA: Boards: Veterans: Military Spouses: Licenses

Author: Gray (D)

Status: Introduced Assembly 1/11/21. Referred to the Business and Professions Committee and Committee on Military and Veterans Affairs on 1/28/21.

Position: No Position.

Desk	2-Year		Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. This bill would require the temporary licenses described above to expire 30 months after issuance. The bill would require boards not responsible for the licensure and regulation of healing arts licensees and not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license. The bill would authorize the immediate termination of a license issued pursuant to these provisions upon a finding that the license holder failed to meet specified requirements or provided substantively inaccurate information that would affect the person's eligibility for licensure, as provided. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

AB 339

State and Local Government: Open Meetings

Author: Lee (D)

Status: Introduced Assembly 1/28/21. 1/29/21 From printer.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: Existing law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation, as provided, and requires translation services to be provided for the 10 most-spoken languages, other than English, in California, and would require those persons commenting in a language other than English to have double the amount of time as those giving a comment in English, if time restrictions on public comment are utilized, except as specified. The bill would require instructions on how to attend the meeting to be posted at the time notice of the meeting is publicized, as specified.

AB 646

DCA: Boards: Expunged Convictions

Author: Low (D)

Status: Introduced Assembly 2/12/21. Referred to Business and Professions Committee on 2/25/21.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill would require a board within the Department of Consumer Affairs that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its

2021/22 Legislative Summary

Quarterly Report (Q1/Q2)

Agenda Item 13

internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require a person in either case to pay a \$50 fee to the board, unless another amount is determined by the board to be necessary to cover the cost of administering the bill's provisions.

AB 657

State Civil Service System: Personal Services Contracts Professionals

Author: Bonta (D)

Status: Introduced Assembly 2/12/21. Referred to the Committee on Public Employment and Retirement on 2/25/21.

Position: No Position

Desk	2-Year		Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: Existing law, the State Civil Service Act, establishes standards for the use of personal services contracts by state agencies and authorizes personal services contracts when prescribed conditions are met, including, among others, when the contracting agency demonstrates that the proposed contract will result in actual overall cost savings to the state, as specified. This bill would prohibit a state agency from entering into a contract with a professional, as defined, for a period of more than 365 consecutive days or for a period of 365 nonconsecutive days in a 24-month period. The bill would define "professional," for these provisions, to include, among others, a physician and surgeon, dentist, and clinical psychologist. The bill would require each state agency that has a contract with a professional pursuant to these provisions to prepare a monthly report to the exclusive bargaining representative for the professional, if the professional is represented, providing certain information, including the name and contact information of the professionals subject to a contract with the state agency, the details of the contract period for each professional, and the number of open professional positions available, as specified.

SB 102

COVID-19 Emergency Order: Violation: License Revocation

Author: Melendez (R)

Status: Amended Senate 2/10/21. From Business and Professions Committee with authors amendments; read a second time and amended; re-referred to Business and Professions Committee on 2/10/21. On 3/2/21 was set for hearing on 3/8/21 and on 3/4/21 the hearing was cancelled at the request of the author.

Desk	2-Year		Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Summary: This bill would prohibit the Department of Consumer Affairs, a board within the Department of Consumer Affairs that does not regulate healing arts licensees, and the Department of Alcoholic Beverage Control from revoking a license or imposing a fine or penalty for failure to comply with any COVID-19 emergency orders unless the board or department can prove that lack of compliance resulted in transmission of COVID-19.

SB 772

Professions and Vocations: Citations: Minor Violations

Author: Ochoa Bogh (D)

Status: Introduced Senate 2/19/21. Re-referred to Business and Professions Committee on 3/3/21.

Position: No Position

Desk	2-Year		Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 st House					2 nd House							

Current law authorizes the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and any board within the Department of Consumer Affairs to issue a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board. This bill would prohibit the assessment of an administrative fine for a minor violation and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.



Briefing Paper

Date: February 4, 2021

Agenda Item 14(A)

Prepared for: PTBC Members

Prepared by: Becky Marco

Subject: Rulemaking Report

Purpose: To update the Board on the status of proposed rulemaking in progress and to provide an update on the rulemaking process.

Attachments: 1. [2021 Rulemaking Update](#)
 2. [Rulemaking Processing Timelines](#)

Background:

At the December 2020 meeting, the Board adopted the 2021 Rulemaking Calendar as required by Government Code (GC) § 11017.6. The rulemaking calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website:

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

From the 2021 Rulemaking Calendar, staff developed a rulemaking tracking form on which all rulemaking progress is noted and reported to the Board at its quarterly meetings.

Effective September 7, 2016 all regulatory packages must be submitted to the Department of Consumer Affairs for Business, Consumer Services, and Housing Agency (Agency) review, prior to publicly noticing with the Office of Administrative Law (OAL). A copy of the current DCA Rulemaking process is included.

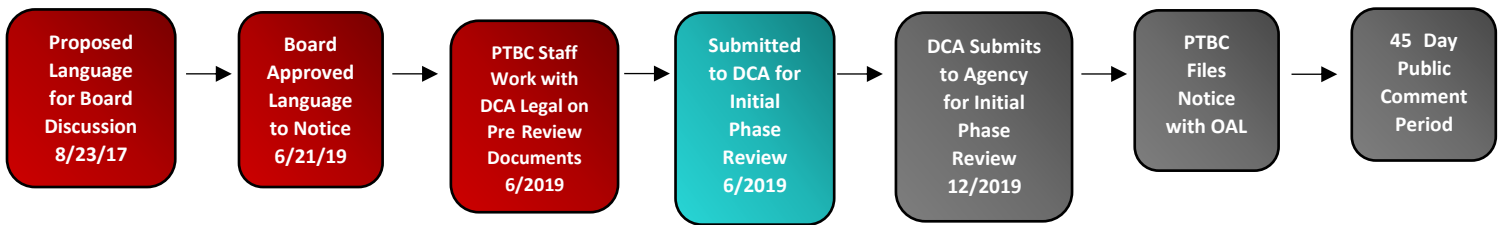
Action:

No action is requested on presentation of the rulemaking report.

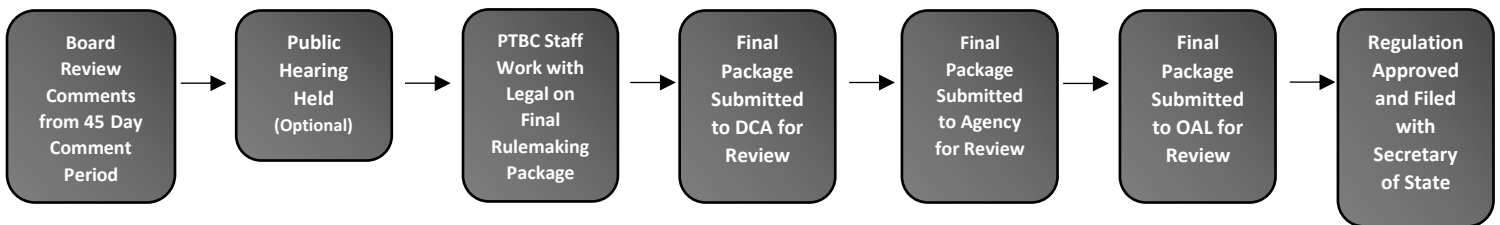
2021 Rulemaking Update

Guidelines for Issuing Citations and Imposing Discipline, 6th Edition (Disciplinary Guidelines)

Initial Phase:



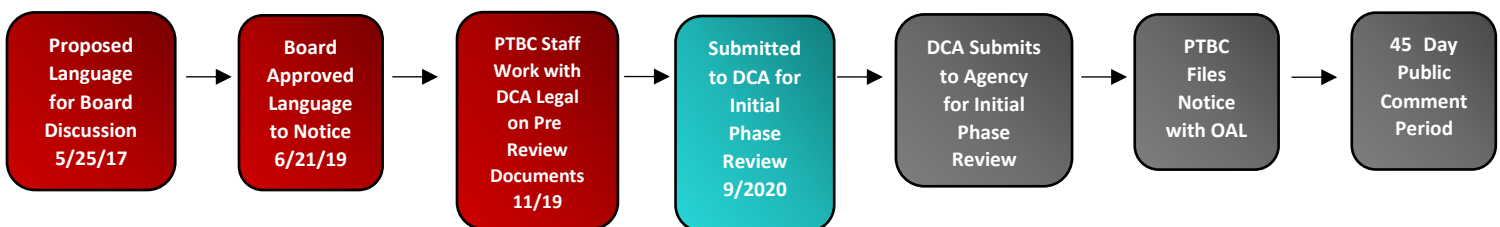
Final Phase:



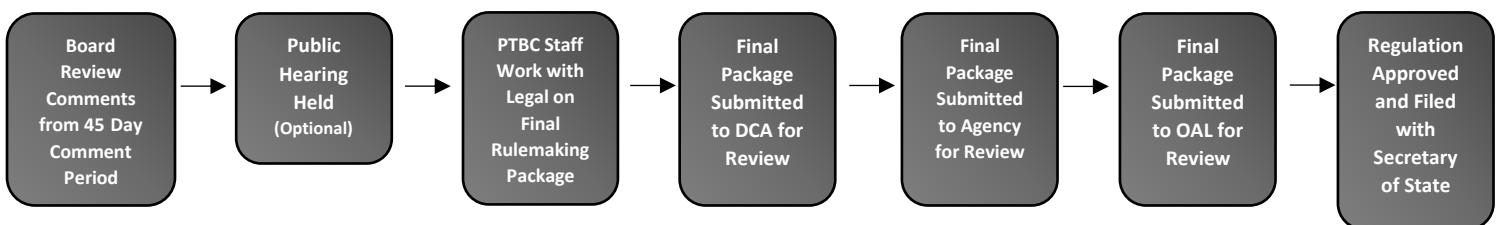
Notes: This regulation proposes to amend CCR 1399.15, Article 13, Division 13.2 of Title 16 to incorporate by reference the 6th Edition Disciplinary Guidelines (Revised June 2019) replacing the 5th Edition Disciplinary Guidelines (Revised December 2013). Proposed regulatory language was presented at the August 2017 Board Meeting. The Board approved the proposed language and directed PTBC staff to initiate the formal rulemaking process. While finalizing the initial rulemaking package, PTBC staff identified revisions needed to the approved proposed language. Modified proposed language was presented for Board consideration at the March 2018 Board Meeting and the Board approved the modified proposed language and directed PTBC staff to initiate the formal rulemaking process. With the passage of AB 2138 (Chapter 995, Statutes of 2018) it was determined that the Disciplinary Guidelines need to be amended further. Modified proposed language was presented and adopted at the June 2019 Board Meeting. The Board directed PTBC staff to initiate the formal rulemaking process. In June 2019, PTBC staff forwarded the initial rulemaking package to DCA Legal for review.

Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/ Coursework Tool

Initial Phase:



Final Phase:

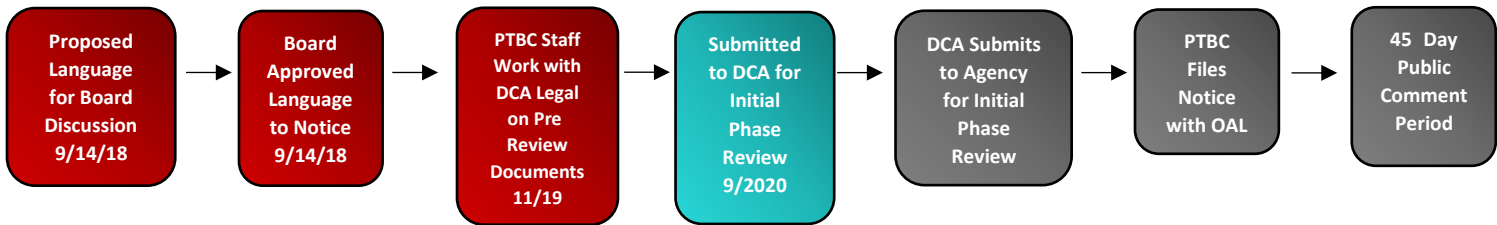


Notes: This regulation proposes to amend CCR 1398.26.1, Article 2, Division 13.2 of Title 16 to restructure the Coursework Tools (CWT's) into an outline format for reading ease; adds CWT 6; provides the general rule for PTs in subdivision (b); addresses the acceptance of CWT 6 in subdivision (c), adds the PTA provision in subdivision (d) and incorporates the CWT's by reference in subdivision (e). PTBC staff presented proposed language for Board consideration at the June 2019 Board meeting and the Board approved the modified proposed language and directed PTBC staff to initiate the formal rulemaking process. In November 2019, PTBC forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. In September 2020, PTBC staff forwarded the initial rulemaking package to DCA Legal for review.

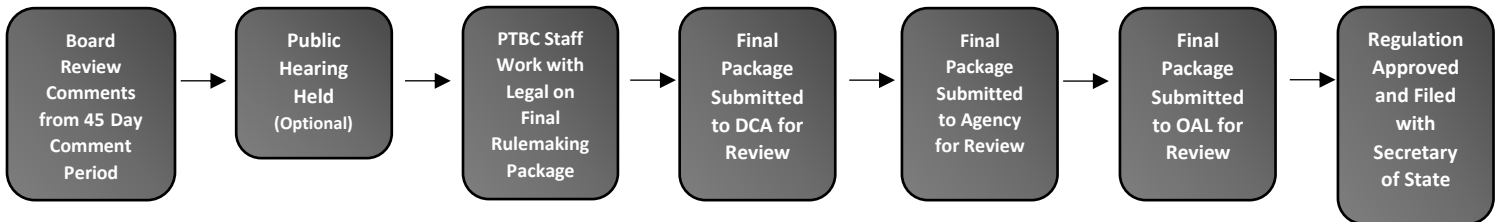
2021 Rulemaking Update

FSBPT's Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States

Initial Phase:



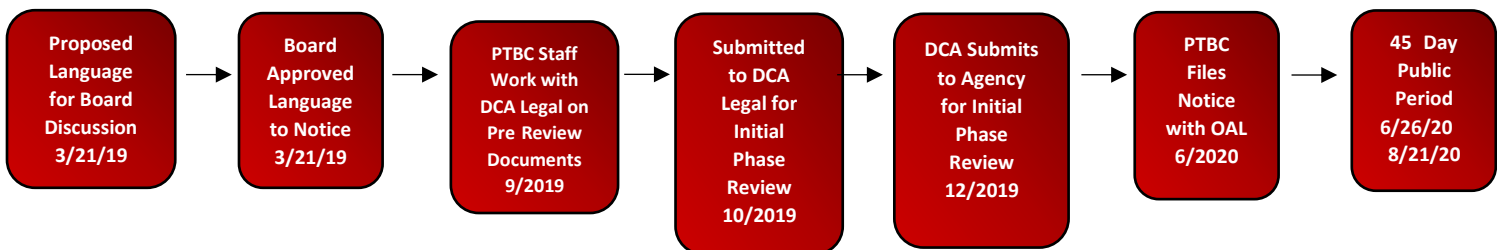
Final Phase:



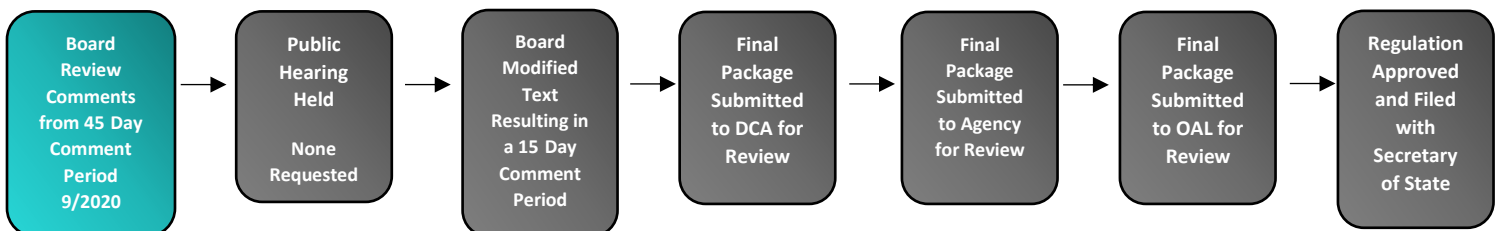
Notes: This regulation proposes to amend CCR 1398.26.5, Article 2, Division 13.2 of Title 16. This proposed regulation will allow supervising physical therapists the option to utilize FSBPT's Supervised Clinical Practice Performance Evaluation Tool (PET) for evaluating a physical therapist license applicant in addition to APTA's Clinical Performance Instrument. Proposed regulatory language was presented and adopted at the September 2018 Board Meeting. The Board directed PTBC staff to initiate the formal rulemaking process. In November 2019, PTBC staff worked with DCA Legal on the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) in September 2020, PTBC staff submitted the initial rulemaking package to DCA Legal for review.

Substantial Relationship Criteria, Rehabilitation Criteria for Denial and Reinstatement of Licensure and Rehabilitation Criteria for Suspension and Revocations (AB 2138)

Initial Phase:



Final Phase:

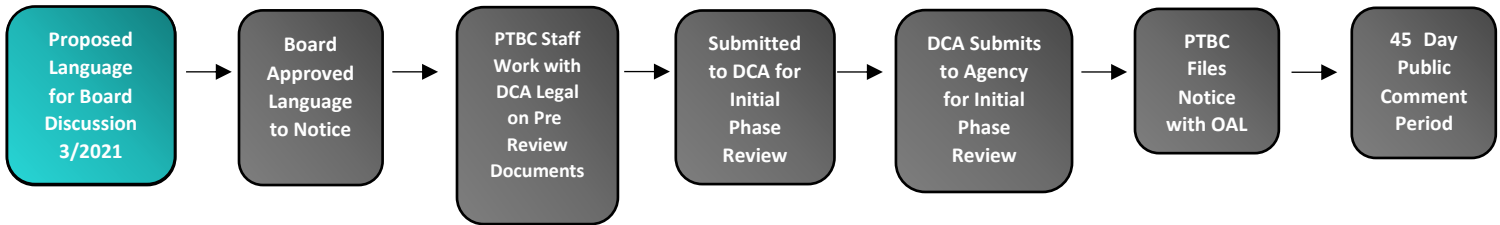


Notes: This regulation proposes to amend CCR 1399.20, 1399.21 and 1399.22, Article 8, Division 13.2 of Title 16. AB 2138 (Chiu, Chapter 995, Statutes of 2018) requires that the Board promulgate regulations by July 1, 2020 to implement, interpret and make specific BPC Sections 141, 480, 481, 482, 488, 493, 2660 and 2660.5 with respect to the substantial relationship of a crime and rehabilitation criteria. The Board adopted language at the March 21, 2019 Board meeting. In June 2019, PTBC staff forwarded the initial rulemaking package to DCA Legal for review. DCA Legal provided Board staff with suggested amendments to the rulemaking package on September 3, 2019. In October 2019, PTBC staff forwarded the initial rulemaking package to DCA Legal for review. On December 26, 2019 the initial rulemaking package was submitted to Agency for review and February 2020 Agency provided the Board with non-substantive edits to the Fiscal Impact Statement, Initial Statement of Reasons and Notice. PTBC staff worked with DCA Legal on addressing these edits and submitted the package back to Agency for review and it was approved on April 16, 2020. The initial rulemaking file was published by OAL on June 26, 2020 and the 45- day public comment ended on August 21, 2020. The Board will review written comments received under Agenda Item 14(B).

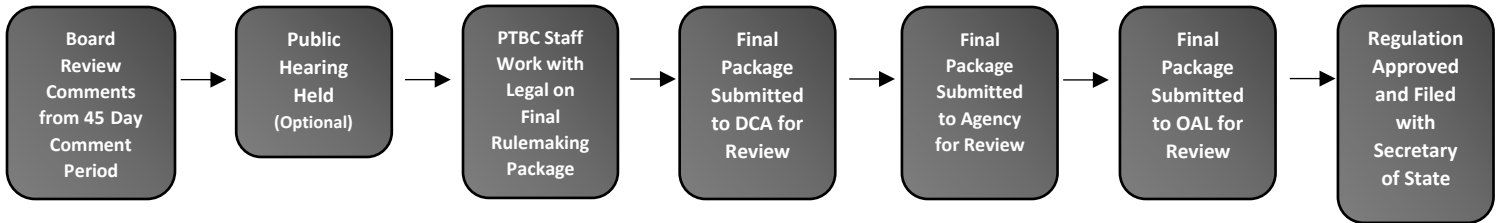
2021 Rulemaking Update

License Renewal Exemptions: Retired License Status

Initial Phase:



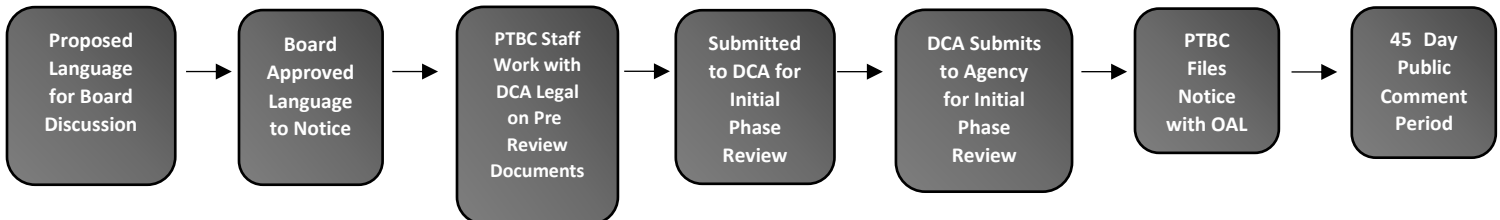
Final Phase:



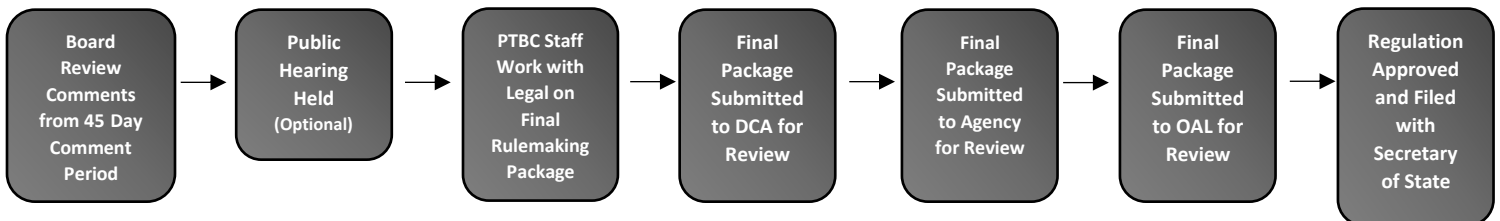
Notes: This regulation proposes to add CCR 1399.57, to Article 10, Division 13.2 of Title 16. BPC Section 2648.7 was repealed effective July 1, 2019 which removed the existing, unclear retired license statute and allowed the PTBC to rely on the new retired license statute BPC Section 464 (AB 2859). This proposed regulation was placed on the 2021 Rulemaking Calendar that was adopted at the Board meeting on December 10, 2020. PTBC staff will be presenting proposed language for Board consideration under Agenda Item 14(C).

Continuing Competency

Initial Phase:



Final Phase:



Notes: This regulation proposes to amend CCR 1399.90 – 1399.99, Article 14, Division 13.2 of Title 16. This proposed regulation was placed on the 2021 Rulemaking Calendar that was adopted at the Board meeting on December 12, 2020. PTBC staff are in the process of researching and developing proposed language for consideration by the Board at a future meeting date.

Processing Times

- 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 Department 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:

Date Filed with the Secretary of State

Effective Date

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 1 st



Briefing Paper

Date: February 18, 2021

Prepared for: Physical Therapy Board of California

Prepared by: Rebecca Marco

Subject: Comment on proposed amendments to 16 CCR sections 1399.20, 1399.21 and 1399.22 related to Substantial Relationship and Rehabilitation Criteria

Purpose: To present a comment received regard proposed rulemaking for Board consideration.

Attachments: [Proposed language](#)
[Comment received from Jennifer Wong, PT](#)

Background: In accordance with the statutory amendments implemented by Assembly (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) on July 1, 2020, the Board voted at their meeting on March 21, 2019 to amend their existing regulations governing substantially related crimes or acts, and rehabilitation criteria when considering criminal convictions in its licensure decision. The proposed amendments were then Noticed on June 26, 2020; and the Board voted to modify the proposed text on September 17, 2020. As part of the rulemaking process any person who wishes to comment on the proposed amendments for consideration by the Board may do so within a prescribed period of time. As a result, the Board received a comment from Jennifer Wong, PT (attached) expressing concern that while the Board complied with the Legislature's directive the proposed language is vaguer and less transparent than existing language.

Action: Since the Board implicitly complied with the directive of the Legislature as acknowledged by Ms. Wong, the Legislature would need to act by issuing a new directive through amendments to Business and Professions Code section 480 for the Board to modify the regulatory language as amended through this rulemaking proposal.

PHYSICAL THERAPY BOARD OF CALIFORNIA

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory language are shown in double underlined for new text and ~~double strikethrough~~ for deleted text.

(1) Amend Section 1399.20 in Article 8, Division 13.2 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.20. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension or revocation of a license, pursuant to section 141, or ~~Division 1.5~~ (commencing with Section 475), or section 2660 of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under the Physical Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a person to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. ~~Such crimes or acts shall include but not be limited to the following:~~

~~(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.~~

~~(b) Conviction of a crime involving fiscal dishonesty arising out of or in connection with the practice of physical therapy.~~

~~(c) Violating or attempting to violate any provision or term of the Medical Practice Act.~~

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of a licensed physical therapist or physical therapist assistant.

Note: Authority cited: Sections 480, 481, 493 and 2615, Business and Professions Code. Reference: Sections 141, 480, 481, 490, 493, 2660, 2660.5 and 2661, Business and Professions Code.

§ 1399.21. Rehabilitation Criteria for Denial and Reinstatement of Licensure.

(a) When considering the denial of a license, under Section 480 of the code or a petition for reinstatement under Section 11522 of the Government Code on the ground that the applicant ~~was~~ has been convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:
~~the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license shall consider the following criteria:~~

(a) (1) The nature and ~~severity~~ gravity of the act(s) or crime(s), under consideration as grounds for denial.

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) ~~If subdivision (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a).~~ If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a), the denial is based on professional misconduct, or the denial is based on one or more grounds specified in Section 2660 of the code, the board shall apply the following criteria in evaluating an applicant's rehabilitation. ~~The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:~~

(1) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(b) (2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial ~~under Section 480 of the Business and Professions Code.~~

(c) (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in ~~subsections (a) or (b) subparagraph divisions (1) or (2).~~

(d) (4) ~~Whether~~ The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) The criteria in subsection ~~divisions~~ (a)(1) to (5), as applicable.

(e) (6) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code.
Reference: Sections 480, 481, 482, 488, 493 2660 and 2661, Business and Professions Code.

§ 1399.22. Rehabilitation Criteria for Suspensions or Revocations.

(a) When considering the suspension or revocation of a license under Section 490 of the code on the ground that a person holding a license under the Physical Therapy Practice Act has been convicted of a crime, the board shall consider whether the licensee made a showing of rehabilitation and is presently eligible for a certificate, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board in evaluating the rehabilitation of such person and his or her eligibility for a license shall consider the following criteria:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(b) If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee did not make a showing of rehabilitation based on the criteria in subsection (a), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Section 2660 of the code, the board shall apply the following criteria in evaluating the licensee's rehabilitation: ~~If subdivision (a) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating a licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the licensee is rehabilitated:~~

- (a)(1) The nature and severity-gravity of the act(s), disciplinary action(s), or offense(s)crime(s).
- (b)(2) The total criminal record.
- (c)(3) The time that has elapsed since commission of the act(s), disciplinary action(s) or offense(s)crime(s).
- (d)(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.
- (5) The criteria in subsection ~~divisions~~ (a)(1) to- (5), as applicable.
- (e)(6) If applicable, evidence of expungement dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
- (f)(7) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code.
Reference: Sections 141, 480, 482, 488, 493, 2660 and 2661, Business and Professions Code.

August 21, 2020

Physical Therapy Board of California
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815

Re: Notice of Proposed Rulemaking (Cal. Code. Regs. tit. 16, §§ 1399.20–1399.22)

Dear Sir or Madam,

I am a licensed physical therapist and write to comment on the proposed changes to the California Code of Regulations governing the consideration of criminal history and mendacious acts on physical therapy licensure. As the Board is aware, the California State Legislature passed AB 2138 out of concern over the collateral consequences of criminal conviction and misconduct on state licensing boards licensure decisions.¹ The last amended version of the AB 2138 makes clear that the California State Legislature intended to limit the Physical Therapy Board's discretion when considering an applicant or licensee's history of misconduct, in an attempt to "reduce recidivism and provide economic opportunity to all its residents."² The Assembly Bill Analysis further cites the National Employment Law Project's criticism of current licensure schemes as "draconian" and characterized by "a lack of transparency and predictability in the licensure decision-making process and confusion caused by a labyrinth of different restrictions."³

Although the Board has seemingly complied with the directives of the California State Legislature, the Board's actions do not substantively improve transparency for licensure applicants and licensees. The proposed substantial relationship descriptor is vaguer than the current language in the California Code of Regulations § 1399.20, and appears to grant more discretion to the Board, rather than less.⁴ Section 1399.20 currently provides:

For the purposes of denial, suspension or revocation of a license, pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under the Physical Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a person to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. *Such crimes or acts shall include but not be limited to the following.*

(a) *Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.*

¹ Assem. Bill 2138, 2017-2018 Reg. Sess., ch. 995, (Cal. 2018).

² See *id.* (California Committee Report, Concurrence in Senate Amendments, Aug. 28, 2018)

³ *Id.* (quoting Michelle Natividad Rodriguez & Beth Avery, *Unlicensed & Untapped: Removing Barriers to State Occupational Licenses for People with Records*, NAT'L EMP'T LAW PROJECT 7 (Apr. 2016), <https://s27147.pcdn.co/wp-content/uploads/Unlicensed-Untapped-Removing-Barriers-State-Occupational-Licenses.pdf>).

⁴ Proposed Language for Amendments to 1399.21, 1399.21 and 1399.22, PHYSICAL THERAPY BD. CAL., https://www.ptbc.ca.gov/laws/prop_regs/proplang_139920.pdf.

(b) *Conviction of a crime involving fiscal dishonesty arising out of or in connection with the practice of physical therapy.*

(c) *Violating or attempting to violate any provision or term of the Medical Practice Act.*⁵

As currently written, § 1399.20 provides some statutory guidance to applicants and licensees, who can access the contents of the Physical Therapy Practice Act, Medical Practice Act, and reasonably discern what a “crime involving fiscal dishonesty” may entail.⁶ The proposed language provides:

(b) In making the substantial relationship determination required under subdivision

(a)

for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of a licensed physical therapist or physical therapist assistant.⁷

The California State Legislature, recognizing that the substantially related criteria would necessarily differ by profession,⁸ has tasked the various boards with determining what criteria are to be used in making a determination of “substantially related to the qualifications, functions, or duties of the business or profession it regulates.”⁹ The statute granting the board such authority states “[c]riteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following [criteria omitted]”¹⁰ with the proposed language of § 1399.20 nearly verbatim with the statutory criteria. Although the board has seemingly complied with the statutory directive, applicants and licensees are left with little practical notice as to what may contribute to an adverse licensure decision by the board. An additional concern is the lack of notice to applicants and licensees, that while a certain criminal history may not preclude licensure, it could prevent a licensee from virtually all healthcare employment under the Federal Exclusion Program.¹¹

The following is excerpted from “Collateral Consequences of Misdemeanor Arrest and Conviction on Healthcare Licensure and Employment: How Exclusion May Undermine State Balancing of Public Safety and Reentry Interests,” a Directed Research Paper I wrote this past Spring as a law student:

Although concerns about patient safety and abuse of the public trust may justify a bar on employment in healthcare for serious crimes, the federal government can also pursue a particularly severe administrative penalty, known as “exclusion,” for

⁵ CAL. CODE REGS. tit. 16, § 1399.20 (emphasis added).

⁶ *Id.*

⁷ Proposed Language for Amendments to 1399.21, 1399.21 and 1399.22, PHYSICAL THERAPY BD. CAL., https://www.ptbc.ca.gov/laws/prop_regs/proplang_139920.pdf.

⁸ See Assem. Bill 2138, 2017-2018 Reg. Sess., ch. 995, (Cal. 2018) (California Committee Report, Concurrence in Senate Amendments, Aug. 28, 2018).

⁹ CAL. BUS. & PROF. CODE § 481 (codifying AB 2138).

¹⁰ CAL. BUS. & PROF. CODE § 481 (codifying AB 2138).

¹¹ See generally OFF. INSPECTOR GEN., EXCLUSIONS PROGRAM, <https://oig.hhs.gov/exclusions/index.asp>

misdeemeanors as well.¹² Exclusion prohibits healthcare providers, non-provider employees, and healthcare entities from participating in any healthcare programs receiving federal funding.¹³ As virtually all health care employers accept some form of federal funding, exclusion therefore, acts as a “death penalty” to employability, for employees or employment applicants within the healthcare industry.¹⁴ And, exclusion may be imposed even when the underlying offense is a strict liability misdemeanor and the penalized employee had no knowledge of wrongdoing by their subordinates.¹⁵ Healthcare providers and employees may therefore be barred from employment in the healthcare industry, not just for certain minor offenses, but absent any requisite mens rea for underlying offenses committed by subordinates.

Healthcare employees with misdemeanor criminal histories face additional barriers to employment through discretionary decisions made by licensure boards and hiring managers. Although serious crimes that implicate public safety or abuse of the public trust may justify denial or revocation of licensure, licensure boards often require disclosure of minor offenses while providing only vague guidelines over what may disqualify an applicant or licensee.¹⁶ Adding to the confusion are jurisdictional differences in licensure requirements, statutory licensure barriers, and penal codes.¹⁷ These statutory barriers may be vague and offer much discretion to licensing boards.¹⁸ This opacity creates uncertainty for applicants with a criminal history, as well as healthcare educational programs evaluating whether an applicant or potential applicant can receive licensure.¹⁹ Additionally, the nexus between broad and vague

¹² Joseph F. Savage & Maren Klawiter, *The Revival of the Responsible Corporate Officer Doctrine?*, 26 HEALTH LAW. 32 (2013); see also John Okray, *Navigating Physician Licensing Credentialing: Legal Issues After Criminal Charges*, 60 FED. LAW. 34 (2013); Thomas Mortell & Michele Gustavson, *The Resurgence of the Responsible Corporate Officer Doctrine*, 55 ADVOCATE 32 (2012) (Official Publication of the Idaho State Bar) (describing the OIG expanding the applicability of the Responsible Corporate Officer doctrine beyond misdemeanor violations of the FDCA).

¹³ George B. Breen & Jonah D. Retzinger, *The Resurgence of the Park Doctrine and the Collateral Consequences of Exclusion*, 6 J. HEALTH & LIFE SCI. L. 90 (2013) (executives’ conviction of misdemeanor FDCA strict liability violations may result in OIG exclusion and unemployability).

¹⁴ Breen, *supra* note 13.

¹⁵ Savage, *supra* note 12; see also Okray, *supra* note 12; Mortell, *supra* note 12.

¹⁶ Michelle Natividad Rodriguez & Beth Avery, *Unlicensed & Untapped: Removing Barriers to State Occupational Licenses for People with Records*, NAT’L EMP’T LAW PROJECT 7 (Apr. 2016), <https://s27147.pcdn.co/wp-content/uploads/Unlicensed-Untapped-Removing-Barriers-State-Occupational-Licenses.pdf>; see e.g., *Applicants with Criminal History*, CAL. PHYSICAL THERAPY BD., https://www.ptbc.ca.gov/applicants/criminal_history.shtml (California Physical Therapy Board guidance for licensure applicants with a criminal history); *Criminal Conviction – How it Might Affect a Physician’s License*, MED. BD. OF CAL., https://www.mbc.ca.gov/Licensees/Criminal_Conviction.aspx (Medical Board of California guidance on how a physician’s license may be affected by a criminal conviction); *Criminal Background Check Report for Physical Therapist Education Programs*, AM. PHYSICAL THERAPY ASS’N, (Jan. 10, 2010), https://www.apta.org/uploadedFiles/APTAorg/Educators/Curriculum_Resources/APTA/CriminalBackgroundCheckforPTPrograms.pdf.

¹⁷ Rodriguez, *supra* note 16.

¹⁸ *Id.*

¹⁹ *Id.*; Telephone interview with [REDACTED] (Feb. 7, 2020); Telephone Interview with [REDACTED] (Feb. 7, 2020).

categories of possible disqualifying offenses and occupational performance may not be obvious or established.²⁰

The Physical Therapy Board of California should provide greater transparency and guidance regarding revocation and denial of licensure to licensure applicants, licensees, and physical therapy school. Although the Board has seemingly complied with legislative directives on criteria for licensure denial and revocation²¹, it has not met the goal of increased transparency. The fault and remedy for the vague statutory language lies with the California legislative branch. However, I urge the Board to both review and consider how the State Bar of California provides both statutory and practical guidelines for law licensure moral character determinations. These guidelines provide nuanced and detailed descriptions of the factors the State Bar considers and can be found here:

<http://www.calbar.ca.gov/Admissions/Moral-Character/Moral-Character-Statement>

<http://www.calbar.ca.gov/Admissions/Moral-Character/Governing-Law>

<http://www.calbar.ca.gov/Admissions/Moral-Character/Factors-and-Conduct>

[http://www.calbar.ca.gov/Admissions/Moral-Character/Further-Investigation-and-
Informal-Conferences](http://www.calbar.ca.gov/Admissions/Moral-Character/Further-Investigation-and-Informal-Conferences)

<http://www.calbar.ca.gov/Admissions/Moral-Character/Guidelines>

[https://www.calbar.ca.gov/Portals/0/documents/admissions/moralCharacter/moral-
character-determination-guidelines.pdf](https://www.calbar.ca.gov/Portals/0/documents/admissions/moralCharacter/moral-character-determination-guidelines.pdf)

In particular, I urge the Board to review the level of transparency provided in the last link. Although the State Bar retains a great deal of discretion over moral character determinations, applicants to the State Bar of California, as well as law schools and licensees are provided better means by which to gauge their ability to obtain and retain licensure.

The California Legislature goals of reduced recidivism and increased employability of persons with criminal histories is admirable. The Physical Therapy Board's proposed language of § 1399.20 however, is vague per the governing statute. The Board, therefore, should take steps within its authority, to provide physical therapy licensure applicants, licensees, and educational programs more detailed and nuanced information on the practical consequences of § 1399.20, as well as alert applicants and licensees to the existence of the Federal Exclusion Program.

Respectfully,

Jennifer Wong, MSPT, JD (bar applicant)

²⁰ Rodriguez, *supra* note 16.

²¹ CAL. BUS. & PROF. CODE § 481 (codifying AB 2138).



Issue Paper

Date: February 18, 2021

Prepared for: PTBC Members

Prepared by: Rebecca Marco

Subject: Retired License Status Language – Title 16, Division 13.2, Article 7, section 1399.14.1 of the California Code of Regulations

Purpose: To propose language establishing procedures for the holder of a current unrestricted license to apply for retired license status.

Attachments: [Proposed regulatory language](#)
[Business and Professions Code 464](#)

Background:

SB 198 (Lieu, Stats. 2013, Ch. 389) 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 exempted a licensee from the payment of the renewal fee and from meeting the requirements set forth in Section 2649 (Continuing Competency) if the licensee applied to the board for retired license status. However, it failed to adequately include a provision for application or reactivation, nor for a fee for the service. While the Board was pursuing clarifying regulations to establish retired license status requirements in 2015, AB 2859 (Low, Stats. 2016, Ch. 473) was introduced and subsequently signed by the Governor to authorize a board to establish regulations for a retired license system but exempted a Board that has other statutory authority to establish a retired license. Because BPC §2648.7 exempted a licensee from payment of renewal fees but did not specifically authorize the Board to establish a retired license, it was unclear whether the Board would be exempt from the provisions of AB 2859. Accordingly, during its last Sunset Review, the legislature addressed this issue by repealing BPC §2648.7 and authorized the Board to rely on the new retired license status statute, BPC §464, established in AB 2859.

Problem:

The problem is without regulations in place there is no formal process for which a licensee who is retired and no longer practicing to place their license on a retired status and alleviate the expense of license renewal fees for a license they are no

longer using. By providing a means to obtain a retired status, licensees who are no longer practicing avoid the possible stigma in their professional community from having a license placed in a “delinquent” or “cancelled status” and be relieved from the expense of renewal fees and continuing competency for a license they are no longer using.

To further define, clarify and implement the Board’s administration of BPC §464, staff proposes a licensee shall:

- Have an unrestricted license.
- Apply for retired license status on a form as prescribed by the Board which requires disclosure under penalty of perjury whether the licensee has any misdemeanor or other criminal offenses for which the licensee has been found guilty or pleaded guilty or no contest.
- Pay a prescribed fee to enter retired license status.

Staff is completing a fee analysis to determine administrative costs. Staff will propose amendments to the Board’s fee regulations as set forth in sections 1399.50 and 1399.52 of the California Code of Regulations once the analysis has been concluded.

- Not engage in any activity for which an active license is required.
- Comply with the requirements for restoring a license as specified.

Action Requested:

Consideration and discussion of the proposed language to either accept or modify for future rulemaking.

1399.14.1 Retired

(a) For purposes of this section, the following terms have the following meanings:

(1) "Otherwise restricted by the board" means that the licensee is currently on probation or subject to any other conditions, or the licensee is restricted from practice.

(2) "Subject to disciplinary action" means that there are pending accusations or interim suspension orders filed pursuant to the Administrative Procedure Act, or evaluations filed pursuant to Section 820 of the Code.

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

(c) The board shall deny a request for retired license status if the licensee is suspended, on probation, revoked, or is otherwise subject to disciplinary action.

(d) In order to request a retired license status, a licensee shall:

(1) Complete a form prescribed by the board titled "Request for Retired License Status (RS-XXXXXX)," which shall require the licensee to 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.

(2) Pay the retired license status fee as set forth in XXXXX.

(e) A licensee in retired status shall not engage in any activity for which an active license is required and a licensee in retired status shall comply with all laws governing the practice of physical therapy.

(f) The Board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee who may be in violation of this section.

(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 Retired License to Active Status (AS-XXXXXX)".

(2) Pay the biennial renewal fee as set forth in Section 2688 of the Code.

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

(4) Furnish to the Department of Justice a full set of electronic fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search if the licensee has not been previously fingerprinted for the Board or for whom an electronic record of the submission fingerprints does not exist in the Department of Justice's criminal offender identification database.

Note: Authority cited: Sections 2615, Business and Professions Code. Reference: Sections 118, 464, 2660 and 2688, Business and Professions Code.

**GOVERNING STATUTE
BUSINESS AND PROFESSIONS CODE 464**

(a) Any of the boards within the department may establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation.

(b) The regulation shall contain the following:

(1) A retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons.

(2) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.

(3) The holder of a retired license shall not be required to renew that license.

(4) The board shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.

(5) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:

(A) Pay a fee established by statute or regulation.

(B) Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial of licensure.

(C) Comply with the fingerprint submission requirements established by regulation.

(D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.

(E) Complete any other requirements as specified by the board by regulation.

(c) A board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.

(d) Subdivisions (a) and (b) shall not apply to a board that has other statutory authority to establish a retired license.



Briefing Paper

Agenda Item 15(A)

Date: March 1, 2021

Prepared for: PTBC Members

Prepared by: Kenneth Meiss, Budget Liaison

Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activities for Q1 and Q2, CY 2020-21.

Attachments: [1. Expenditure Report](#)
[2. Expenditure Measures Q1 & Q2](#)
[3. Expenditure Source Definition Key](#)
[4. Revenue Report](#)
[5. Revenue Measures Q1 & Q2](#)
[6. Revenue Source Definition Key](#)
[7. Fund Condition](#)

Background:

PTBC Budget Reports is a quarterly review of the expenditures and revenues, including budget activities and analysis for the current fiscal year. The report reflects data collected from the Quarterly Department of Consumer Affairs Budget Office Projection Report and is generated by staff quarterly: Jul-Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr-Jun (Q4).

According to the Governor's Budget, PTBC is authorized \$6,120,000 for CY-2020/21, which includes personnel services, operating expenses and equipment, and 27.1 positions to support program requirements. The Operating Expenses and Equipment (OE&E) budget is \$6,120,000 (FY 2020/21), a 9.4% increase from \$5,543,000 over last fiscal year (FY-2019/20).

On 3/27/20, the DCA Budget Office initiated COVID-19 cost tracking. This initiative directs PTBC to track all costs weekly associated with COVID19; including staff salaries for time spent on COVID19 workload. For Q1 through Q2 (FY-2020/21), PTBC personnel has expended \$90,329 of combined salaries (all staff) working on COVID-19 related issues, equipment and supplies: \$38,235 in staff salaries directly dealing with COVID-19 related issues and inquiries; \$46,517 for one permanent/fulltime staff person that was directed from PTBC's application desk to Contact Tracing \$3,466 in overtime salary to handle the backlog of normal staff work which resulted by redirected one applications analyst to solely handle COVID-19 Contact Tracing; and, \$2,111 was spent on COVID-19 PPE equipment and supplies, such as face masks, sanitizer, etc.

Analysis:

Expenditures: PTBC expended \$1,556,618 in Q1 this year (CY-2020/21), a \$583,113 or 37.46% increase from \$973,505 expenditure over Q1 last fiscal year (FY-2019/20). PTBC expended \$1,556,893 in Q2 (FY-2020/21), a \$356,181 or 22.87% increase from \$1,200,712 expenditure over Q2 last fiscal year (FY-2019/20). Year to date, PTBC has spent \$3,113,511 for Q1 and Q2 CY2020/21; which is \$939,294 more than last fiscal year (FY19/20) Q1 and Q2.

Revenues: PTBC collected \$1,630,900 in revenues during Q1 this year (FY2020/21) a \$569,626 or 25.8% decrease from \$2,200,526 Q1 last year (FY2019/20). PTBC collected \$2,071,348 in revenues during Q2 this fiscal year (FY-2020/21) an increase of \$544,838 or 26% over \$1,526,509 Q2 last year (FY-2019/20). Year to date, PTBC has collected \$3,702,248 in revenues for Q1 and Q2 CY2021/21; which is \$24,787 less revenue than Q1 and Q2 in FY2019/20.

Fund: Currently, PTBC has a fund balance of \$5,766,000. As of FM 5 of CY2020/21, PTBC projects to collect \$6,973,000 and spend \$5,761,000. This revenue is a little higher than what PTBC has collected in prior years. There is a Transfer to the General Fund of \$349,000. As part of this year's budget building process, the Department of Finance (DOF) determined which DCA special funds could afford additional loans to the General Fund pursuant Control Section 3.92. This is a loan that will be paid back if PTBC needs these funds back, or if PTBC should face insolvency issues.

While the PTBC fund is considered "healthy". According to the recent fund condition analysis, the PTBC fund will reduce to 7.2 months in reserve in Budget Year 2022/2023 and continue to diminish within the next 5 years beginning BY2024/25. This analysis is based on current revenue and expenditure projections and may change year to year with changes impacting future revenues and expenditures.

Action Requested: No action requested.

Physical Therapy Board of California

Expenditure Statistics Report

CY 2020/21

Q1 & Q2 (Jul - Dec)

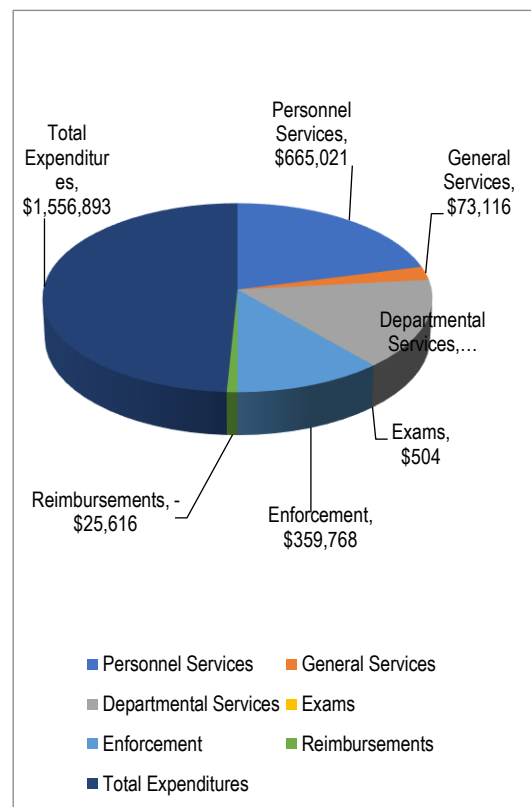
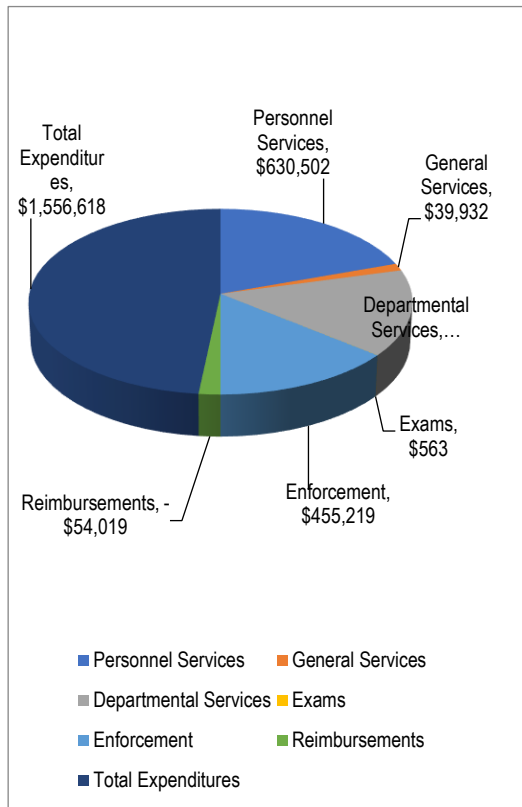
Agenda Item 15(A) - Attachment 1

Expenditure Statistics Report									
Budget Line Items	PY (2019/20)			CY (2020-21)					
	Q1	Q2	YTD	Authorized	Q1	Q2	YTD	Percent %	Balance
	Jul-Sep	Oct-Dec	(As of 12/30/19)	Budget	Jul Sep	Oct Dec	(As of 12/30/20)	Budget Spent	Remaining
PERSONNEL SERVICES									
Civil Services Permanent	325,753	340,598	666,351	1,563,000	351,239	365,904	717,143	46%	845,857
Temp help	35,104	39,095	74,199	0	5,393	9,596	14,989	#DIV/0!	(14,989)
Statutory Exempt	26,253	26,253	52,506	77,000	24,673	24,933	49,606	64%	27,394
Board Members (Per Diem)	9,400	13,600	23,000	12,000	6,300	11,200	17,500	146%	(5,500)
Overtime	0	0	0	0	0	0	0	0%	0
Staff Benefits	238,498	252,533	491,031	1,044,000	242,897	253,388	496,285	48%	547,715
TOTAL PERS SVS	635,008	672,079	1,307,087	2,696,000	630,502	665,021	1,295,523	48%	1,400,477
OPERATING EXPENSES & EQUIPMENT									
General Services Totals	58,655	82,152	140,807	635,000	39,932	73,116	113,048	18%	521,952
Fingerprints	5,618	8,703	14,321	99,000	2,352	8,562	10,914	11%	88,086
General Expense	1,653	4,108	5,761	23,000	4,780	1,266	6,046	26%	16,954
Minor Equipment	0	910	910	15,000	275	2,332	2,607	17%	12,393
Major Equipment	0	0	0	18,000	0	0	0	0%	18,000
Printing	5,369	7,063	12,432	15,000	4,163	3,402	7,565	50%	7,435
Communications	1,005	2,611	3,616	15,000	960	1,308	2,268	15%	12,732
Postage	0	0	0	8,000	23	23	46	1%	7,954
Insurance	0	55	55	0	0	0	0	0%	0
Travel in State	1,523	9,183	10,706	10,000	0	91	91	1%	9,909
Training	0	0	0	13,000	0	0	0	0%	13,000
Facilities Operations (Rent/Leases)	28,354	28,589	56,943	254,000	25,951	27,413	53,364	21%	200,636
C&P SRVS Internal (Inter Dept. SRVS Other)	0	0	0	12,000	0	0	0	0%	12,000
C&P Services External (Other)	15,133	20,930	36,063	153,000	1,428	28,719	30,147	20%	122,853
Departmental Services Totals	208,144	253,273	461,417	1,035,000	484,421	484,100	968,521	94%	66,479
Office of Information Services	208,144	252,808	460,952	512,000	484,000	484,000	968,000	189%	(456,000)
Administrative Services Division	0	0	0	456,000	0	0	0	0%	456,000
Interagency Services	0	0	0	37,000	0	0	0	0%	37,000
Consolidated Data Center	0	0	0	14,000	0	0	0	0%	14,000
Information Technology	0	465	465	16,000	421	100	521	3%	15,479
Exams Totals	0	2,479	4,067	0	563	504	1,067		0
Exam Admin External (Tech SRVS FSBPT)	0	2,479	2,479	0	563	504	1,067	-	
Enforcement Totals	111,647	219,675	331,322	1,754,000	455,219	359,768	814,987	46%	939,013
Attorney General	73,644	142,266	215,910	794,000	78,506	157,834	236,340	30%	557,660
Office of Admin Hearings	0	15,200	15,200	110,000	0	8,075	8,075	7%	101,925
Evidence/Witness	3,769	17,779	21,548	100,000	975	5,288	6,263	6%	93,737
Court Reporters	275	800	1,075	0	738	1,071	1,809	-	(1,809)
DOI Investigation (5342500050)	33,959	43,630	77,589	750,000	375,000	187,500	562,500	75%	187,500
TOTAL OE & E	378,446	557,579	936,025	3,424,000	980,135	917,488	1,897,623	55%	1,527,444
TOTALS, PERS SVS/OE&E	1,013,454	1,229,658	2,243,112	6,120,000	1,610,637	1,582,509	3,193,146	52%	2,927,921
*Fingerprint Reimbursements	-10,094	-9,849	-19,943	-97,000	(9,212)	(6,762)	(15,974)	16%	(81,026)
*Other Scheduled Reimbursements	0	0	0	-2,000			0	0%	(2,000)
Un-Scheduled Reimbursements	-29,855	-19,097	-48,952		(44,807)	(18,854)	-63,661	#DIV/0!	0
TOTAL REIMBURSEMENTS	-39,949	-28,946	-68,895	-99,000	(54,019)	(25,616)	(79,635)		19,365
TOTALS, PERS SVS/OE&E (-REIM)	973,505	1,200,712	2,174,217	6,021,000	1,556,618	1,556,893	3,113,511	52%	2,907,489

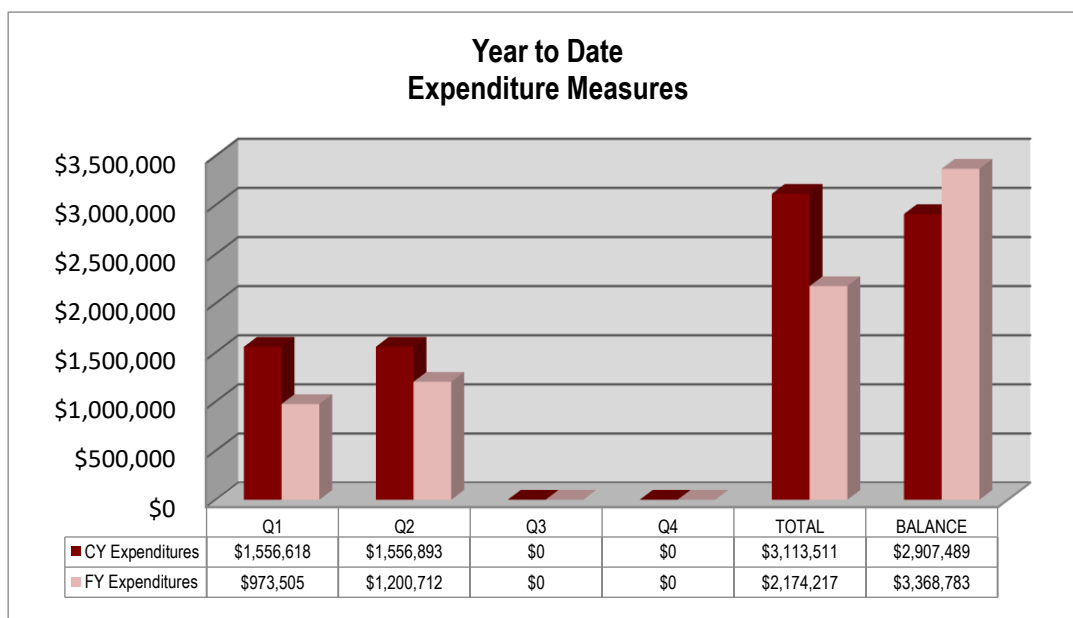
(year-end).

Physical Therapy Board of California
Expenditure Measures
CY 2020/21 | **Q1 & Q2 (Jul-Dec)**

Agenda Item 15(A) - Attachment 2



1. Chart shows *Personnel Services* was the highest expense in Q1 and Q2, followed by *Departmental Services*.
2. Chart reveals, expenditures in Q2 were slightly higher (\$275) over Q1 (CY20/21).



1. Chart reveals expenditures increased by \$939,294 year-to-date over Q2 FY2019/20.

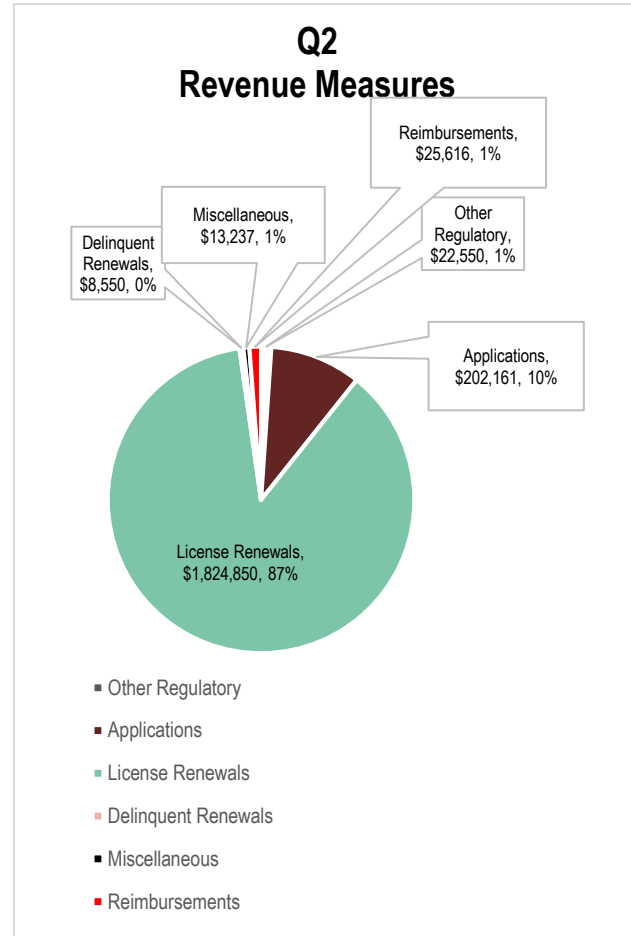
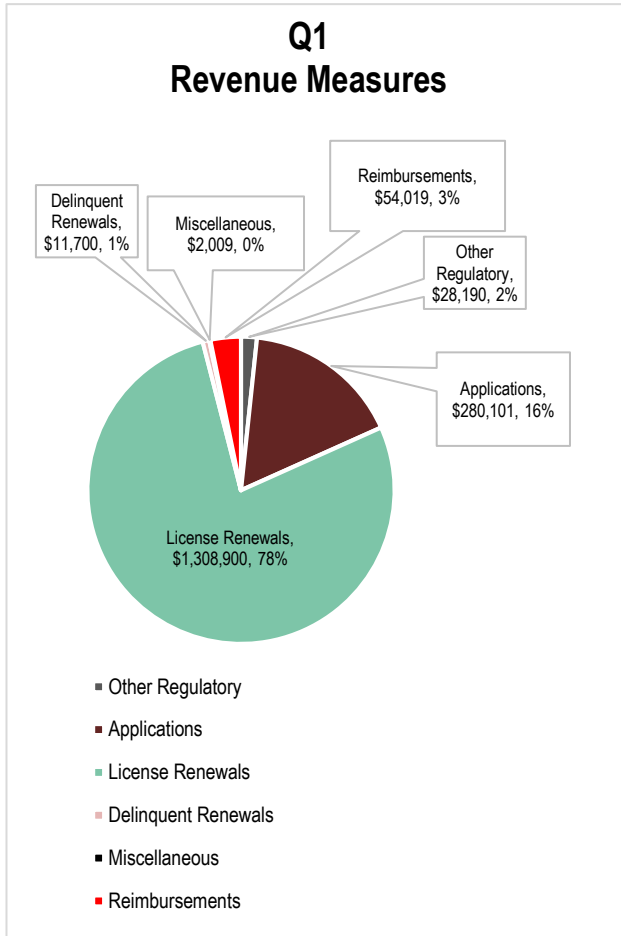
Expenditure Source - Definition Key	
Personnel Services	
Civil Services Permanent	Salary / Wages of civil service - permanent employees (authorized positions).
Statutory Exempt	Salary / Wages of employees appointed/elected to state (Executive Officer).
Temp help	Salary / Wages of employees in blanket (permanent-intermittent/retired annuitant/limited term/MOU agreements).
Board Commission	Per Diem reimbursement (Board Members).
Overtime	Ordered work time in excess of employee regular scheduled workweek.
Staff Benefits	Employer contributions for health, dental, vision, etc. (permanent, exempt and temp).
General Services	
Fingerprints	Criminal and background checks by DOJ (new employees, applicants and licensees).
General Expense	Office supplies, freight (FedEx), subscriptions, admin overhead (DGS charge: purchase orders, contracts, service charges).
Minor Equipment	Replacement/additional equipment - less than \$5k per unit (copier, fax, etc.).
Major Equipment	Replacement/additional equipment - over \$5k per unit (copier, printer, etc.).
Printing	Publications, i.e., strategic plan, newsletter, etc. printed by State Printing and DCA.
Communication	Office and staff land lines, fax line, etc.
Postage	Standard U.S. mail, certified mail, wall certificate, pocket license, renewal notice, etc.
Travel In-State and Out-of-State	Travel reimbursements, i.e., per diem, lodging, transportation, business expense, and CalAters.
Training	Tuition/registration fees for training classes/conferences through External Vendors.
Facilities Ops	Rent - Building and Grounds (Non-State Owned), includes, self storage and utility charges.
C&P Services Internal	Consultant/Professional services provided by other state agencies or DCA interagency agreement.
C&P Services External	Consultant/Professional Services provided by external agency, i.e., online credit card payments.

Expenditure Source - Definition Key	
Departmental Services	
Office of Administrative Services	DCA PC Support and Telecom services.
Administrative Services Division	Services conducted by CalHR, DOF, SCO, State Treasurer, Accounting, Budgets, Facilities, and Personnel.
Interagency Services	OPES Interagency Contracts, DOI-HQIU, Medical Board Shared Services, Departmental Services Other.
Consolidated Data Center	Part of IT: Costs for maintaining records on Consumer Affairs System (CAS).
Information Technology	Technology maintenance, copier/printer, software, hardware, electronic waste recycling & disposal.
Exams	
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	
Attorney General	Services provided for enforcement case process initiated to the Attorney General Office.
Office of Admin Hearings	Services provided for hearing officer, administrative law judges, and filing fees, etc.
Evidence/Witness	Services provided by witness, i.e., witness fee, hourly wages, travel expenses, undercover operative fees; and, cost of film, including medical services for use as evidence, etc.
Court Reporters	Services provided by Court Reporter, including transcriptions (i.e. hearing transcripts, etc.).
DOI Investigation	Services provided by Division of Investigations (DOI) for investigative services.

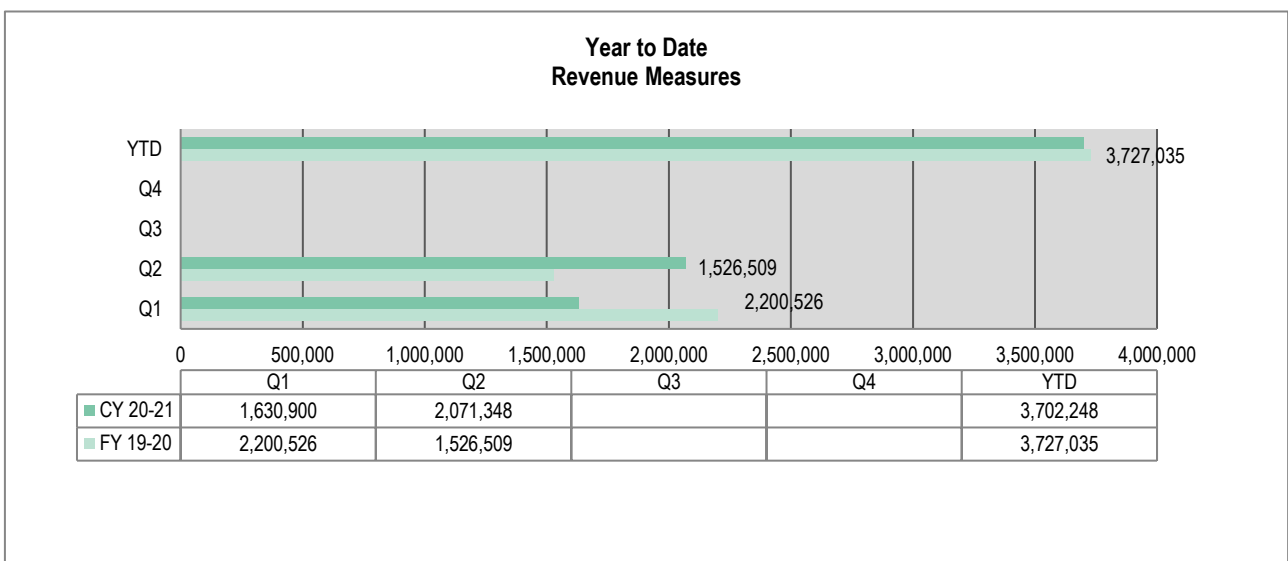
Physical Therapy Board of California
 Budget Revenue Report
 CY 2020-21 | Q1 & Q2 (Jul-Dec)

Agenda Item 12(A) - Attachment 4

Revenue Statistics Report						
Budget Line Items	FY 2019 20			CY 2020 21		
	Q 1 Jul Sep	Q 2 Oct Dec	YTD Actual	Q1 Jul Sep	Q2 Oct Dec	YTD (PRELIMINARY)
Cite and Fine (Citations)	8,050	8,000	16,050	6,650	1,600	8,250
Endorsement (License Verification)	19,320	19,800	39,120	19,740	18,900	38,640
Duplicate License / Certificate	3,800	2,700	6,500	1,800	2,050	3,850
TOTALS	31,170	30,500	61,670	28,190	22,550	50,740
INITIAL APPLICATION & LICENSE						
FPTA Application & Initial License Fee	5,800	5,400	11,200	2,400	3,300	5,700
FPT Application Fee	15,900	14,400	30,300	10,549	10,800	21,349
ENMG Exam Fee	0	0	0	0	0	0
ENMG Application Fee	0	0	0	0	0	0
KEMG Exam Fee	0	0	0	0	0	0
KEMG Application Fee	0	0	0	0	0	0
PTA Application & Initial License Fee	36,000	57,600	93,600	47,100	48,600	95,700
PT Application Fee	137,400	112,950	250,350	141,399	91,999	233,398
PT Initial License Fee	70,950	62,400	133,350	74,599	49,650	124,249
Refunded Reimbursements	-98	-32	-130	0	-736	-736
Overt/Short Fees	0	0	0	0	0	0
Suspended Revenue	5,890	4,370	10,260	5,401	1,010	6,411
Prior Year Revenue Adjustment	-3,386	-8,760	-12,146	-1,347	-2,462	-3,809
TOTALS	268,456	248,328	516,784	280,101	202,161	482,262
LICENSE RENEWAL						
PTA Renewal Fee	389,700	258,861	648,561	288,600	385,050	673,650
PT Renewal Fee	1,501,200	951,150	2,452,350	1,020,100	1,439,450	2,459,550
ENMG	150	200	350	0	150	150
KEMG	200	200	400	100	200	300
Automated Revenue Refund Claim	0	0	0	100	0	100
Overt/Short Fees	0	0	0	0	0	0
TOTALS	1,891,250	1,210,411	3,101,661	1,308,900	1,824,850	3,133,750
DELINQUENT LICENSE RENEWAL						
PTA Delinquent Fee	1,650	1,600	3,250	2,100	1,950	4,050
PT Delinquent Fee	7,350	4,700	12,050	9,600	6,550	16,150
EN Delinquent Fee	0	0	0	0	0	0
EK Delinquent Fee	0	0	0	0	50	50
TOTALS	9,000	6,300	15,300	11,700	8,550	20,250
MISCELLANEOUS						
Public Sales (142500)	0	0	0	0	0	0
Surplus Money Investments (150300)	0	30,196	30,196	0	11,144	11,144
Attorney General Proceeds (160100)	0	0	0	0	0	0
Unclaimed/Cancelled Warrants (161000)	300	574	874	1,959	2,068	4,027
Miscellaneous Income (161400)	350	200	550	50	25	75
TOTALS	650	30,970	31,620	2,009	13,237	15,246
SCHEDULED REIMBURSEMENTS						
Fingerprint Reports	10,094	9,849	19,943	9,212	6,762	15,974
External/Private/Grant	0	0	0	0	0	0
TOTALS	10,094	9,849	19,943	9,212	6,762	15,974
UNSCHEDULED REIMBURSEMENTS						
Investigative Cost Recovery - Investigations	26,555	26,555	53,110	40,782	14,329	55,111
Investigative Cost Recovery - Probation Monitoring	3,300	3,300	6,600	4,025	4,525	8,550
TOTALS	29,855	29,855	59,710	44,807	18,854	63,661
TOTAL REVENUES	2,200,526	1,526,509	3,727,035	1,630,900	2,071,348	3,702,248



1. Chart shows Q1 revenues contributed 78% of revenues and 87% of revenues in Q2.
2. Chart reveals, overall license renewals was the highest contributing revenue (\$3,113,750) or 82% of total revenues, followed by license application (\$482,262) revenues.



1. Chart shows revenues decreased by \$569,626 (152%) in Q1 and increased by \$544,839 (30%) in Q2 over FY2019/20.
2. Chart reveals, revenues slightly decreased \$ 24,787 less than 1% (0.66%) over FY 2019/20 year-to-date.

Revenue Source - Definition Key	
Other Regulatory Fees	
Citation/Fine FTB Collection	Fines collected by the Franchise Tax Board on behalf of PTBC for fines past due.
Admin Citation Fines-Variou	Fines collected from administrative citations issued.
Endorsement Fee	Processing fee for endorsement (license verifications).
Duplicate License/Certification Fee	Processing fee for duplicate license or wall certificate.
Initial Application & License Fees	
FPTA Application & Initial License	Application & Initial License processing fees for foreign educated Physical Therapist Assistants.
FPT Application	Application processing fee for foreign educated Physical Therapists.
FPT Initial License	Initial License processing fee for foreign educated Physical Therapists.
PTA Application & Initial License	Application and Initial License processing fee for U.S educated Physical Therapist Assistants.
PT Application	Application processing fee for U.S educated Physical Therapists.
PT Initial License	Initial License processing fee for U.S. educated Physical Therapists.
Refunded Reimbursements	Used for cashiering errors, i.e., fingerprint fee cashiered with application fee.
Over/Short	Application or Initial License Fees paid over or short of established fee.
Suspended Revenue	Fee unable to identify/allocate -temporarily cashiered in suspense (reconciled year-end).
Prior Year Revenue Adjustment	Correction of prior year revenue reported.
License Renewal Fees	
Renewal - ENMG	Renewal Fees for Renewal ENMG Certification.
Renewal - KEMG	Renewal Fees for Renewal KEMG Certification.
Biennial Renewal - PTA	Renewal Fees for PTA license.
Biennial Renewal - PT	Renewal Fees for PT license.
Automated Revenue Refund Claim	Renewal Fees refunded to licensees.
Over/Short Fee	Renewal Fees paid/collected over or short of established fee.
Miscellaneous Income	
Public Sales	Services to Public - e.g., DCA sales of PT/PTA mailing list.
Surplus Money Investments	Shared Revenues by State Controllers Office of earned interest from investment.
Unclaimed Checks / Warrants	Cancelled warrant (check) paid to applicant/licensee/agency-uncashed for 1 year.
Miscellaneous Income (General)	Revenues collected, i.e., Franchise Tax Board collections, dishonored check fees, etc.
Scheduled Reimbursements	
Fingerprint Cards	Scheduled Reimbursements - applicants/licensees fingerprint processing fees collected.
External/Private Grant	Scheduled Reimbursements - received for OIS Public Sales
Unscheduled Reimbursements	
Investigative Cost Recovery	Money received from individuals for reimbursement of the investigative cost incurred by PTBC.
Probation Monitoring Cost Recovery	Money received from Probationers for their probation monitoring.

0759 - Physical Therapy

Analysis of Fund Condition

Prepared 2.8.21

(Dollars in Thousands)

2021-22 Governor's Budget

FM 5 Expenditure & Revenue Projections

	ACTUAL 2018-19	ACTUAL 2019-20	CY 2020-21	Governor's Budget BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 2,477	\$ 4,073	\$ 4,903	\$ 5,766	\$ 5,136
Prior Year Adjustment	\$ 466	\$ 22	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,943	\$ 4,095	\$ 4,903	\$ 5,766	\$ 5,136
REVENUES AND TRANSFERS					
Revenues:					
4121200 Delinquent fees	\$ 32	\$ 34	\$ 42	\$ 38	\$ 38
4127400 Renewal fees	\$ 4,760	\$ 5,006	\$ 5,793	\$ 5,010	\$ 5,010
4129200 Other regulatory fees	\$ 135	\$ 130	\$ 102	\$ 102	\$ 102
4129400 Other regulatory licenses and permits	\$ 1,089	\$ 1,078	\$ 1,002	\$ 1,076	\$ 1,076
4163000 Income from surplus money investments	\$ 99	\$ 106	\$ 27	\$ 76	\$ 64
4171400 Escheat of unclaimed checks and warrants	\$ 2	\$ 2	\$ 7	\$ -	\$ -
4172500 Miscellaneous revenues	\$ -	\$ 1	\$ -	\$ -	\$ -
4173500 Settlements and Judgments - Other	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 6,117	\$ 6,357	\$ 6,973	\$ 6,302	\$ 6,290
Transfers to Other Funds					
GF Loan per CS 3.92, BA 2020	\$ -	\$ -	\$ -349	\$ -	\$ -
Totals, Revenues and Transfers	\$ 6,117	\$ 6,357	\$ 6,624	\$ 6,302	\$ 6,290
Totals, Resources	\$ 9,060	\$ 10,452	\$ 11,527	\$ 12,068	\$ 11,426
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,550	\$ 5,126	\$ 5,468	\$ 6,492	\$ 6,687
8880 Financial Information System for California (State Operations)	\$ 1	\$ -1	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 41	\$ 89	\$ 89	\$ 89	\$ 89
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 395	\$ 335	\$ 204	\$ 351	\$ 351
Total Disbursements	\$ 4,987	\$ 5,549	\$ 5,761	\$ 6,932	\$ 7,127
FUND BALANCE					
Reserve for economic uncertainties	\$ 4,073	\$ 4,903	\$ 5,766	\$ 5,136	\$ 4,299
Months in Reserve	8.8	10.2	10.0	8.6	7.2
NOTES:					
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING					
B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR IN BY+1 AND ON-GOING..					
C. ASSUMES INTEREST RATE OF 1.5%					



Briefing Paper

Agenda Item 15(B)

Date: February 19, 2020

Prepared for: PTBC Members

Prepared by: April Beauchamps, Outreach Liaison

Subject: Outreach Report

Purpose: To provide PTBC's Outreach activities and statistics for Q1 and Q2 CY 2020/21.

Attachments:

1. [Website Statistics \(Q1\)](#)
2. [Website Statistics \(Q2\)](#)
3. [Facebook Statistics \(Q1\)](#)
4. [Facebook Statistics \(Q2\)](#)

Background:

The PTBC Outreach Report is a quarterly review of the Website and Facebook activities and analysis of those activities for the current fiscal year in comparison to the previous fiscal year. The website statistics is collected from Google Analytics, and Facebook statistics is collected directly from the "insight reports" from Facebook reporting system; and, generated by PTBC staff on a quarterly basis: Jul -Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr- Jun (Q4).

During Quarter (Q1) PTBC did have two outreach events virtually due to the COVID-19 pandemic. PTBC provided virtual presentations to California State University, Sacramento on 9/9, 9/16, and 9/30, and Gurnick Academy on 9/14 2020.

During Quarter (Q2) PTBC did have six outreach events virtually due to the COVID-19 pandemic. PTBC provided virtual presentations to California State University, Sacramento on 10/7/20, California State University, Long Beach on 10/20/20, College of the Sequoias on 11/16/20, Institute of Technology on 11/17/20, Samuel Merritt on 11/18/20, and Chapman University on 12/3/20.

Analysis:

Website –

PTBC had 37,188 web-hits through its home page tabs, resulting in an 13% decrease over last fiscal year (Q1). The "Applicants" section had the most significant decrease of 34% compared to prior fiscal year (Q1).

PTBC had 33,635 web-hits through its home page tabs, resulting in an 6% decrease over last fiscal year (Q2). The “Publications” section had the most significant decrease of 38% compared to prior fiscal year (Q2).

Facebook¹ -

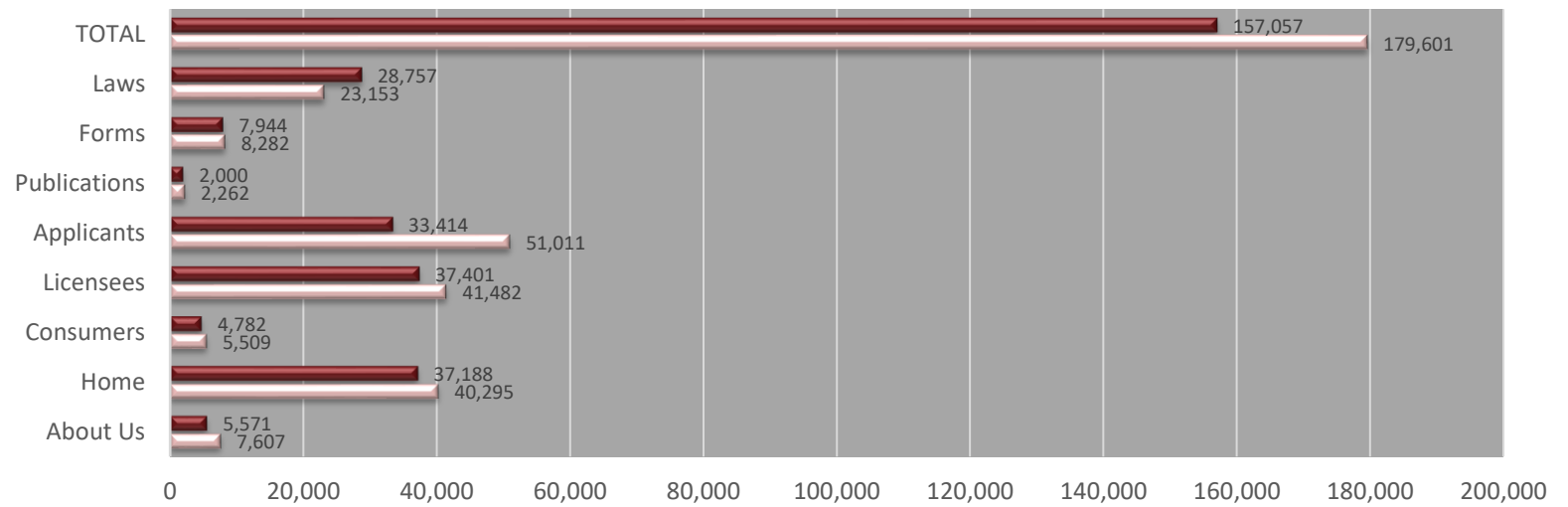
PTBC had 27,350 people access (traffic) our FB page and we received 52 “likes”. In comparison to last fiscal year (Q1), there was a 1% decrease in traffic. PTBC had 12,320 people access (traffic) our FB page and we received 47 “likes”. In comparison to last fiscal year (Q2), there was a 55% decrease in traffic.

Action:

No action is requested on presentation of the outreach report.

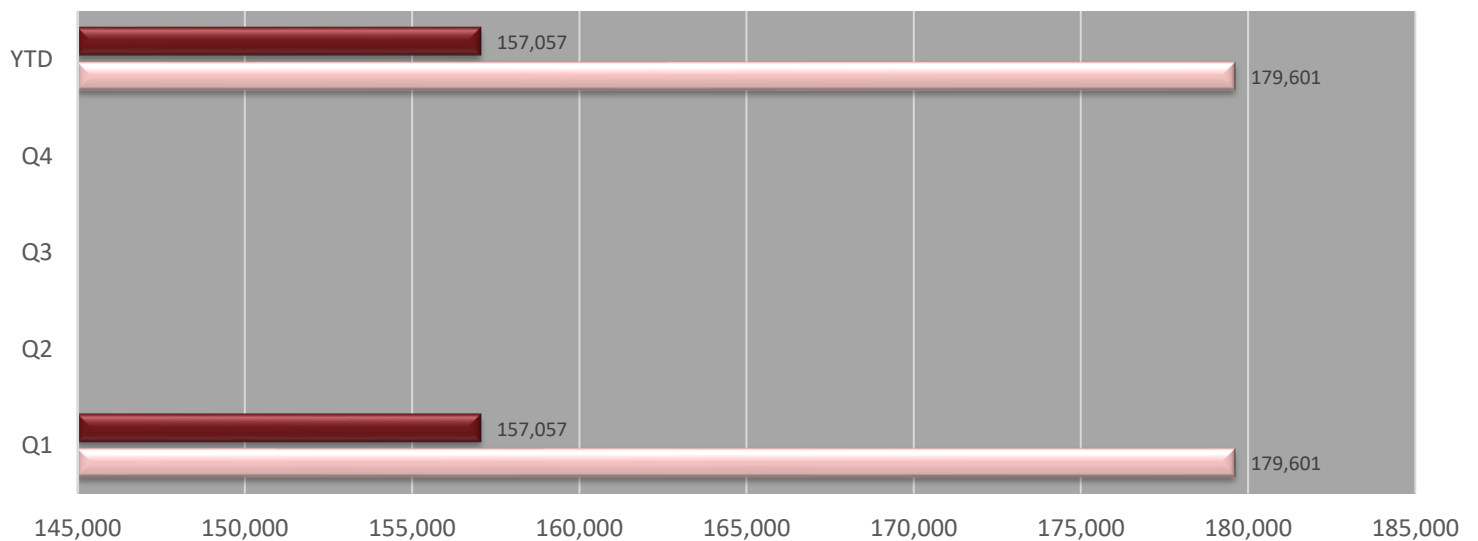
¹ **Facebook Insights Definitions:** **Likes**-Number of people who have liked the page. **Reached**-The number of people who have had any content from your page enter their screen. **Engaged Users**-Number of people who engaged with your page. **Consumers**-Number of people who click on any of your content. **Talked About**-Number of people talking about your page.

**Website Activity
(Quarterly - Q1)**



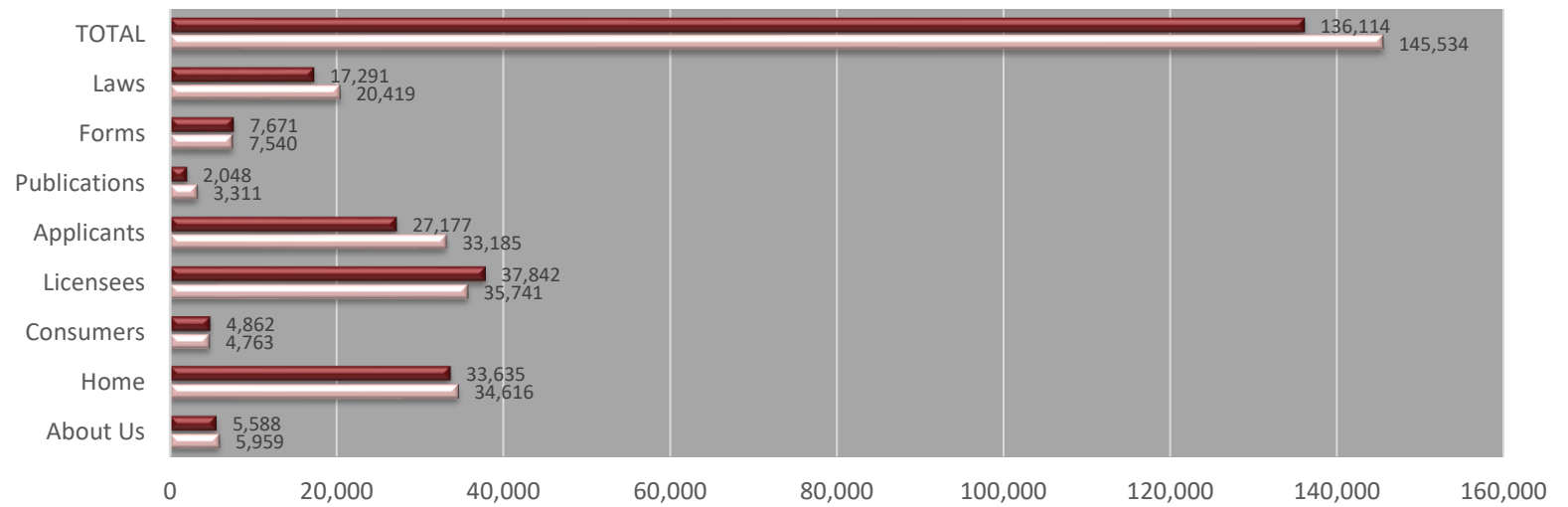
	About Us	Home	Consumers	Licensees	Applicants	Publications	Forms	Laws	TOTAL
CY 2020/21	5,571	37,188	4,782	37,401	33,414	2,000	7,944	28,757	157,057
FY 2019/20	7,607	40,295	5,509	41,482	51,011	2,262	8,282	23,153	179,601

**Website Activity
(Year-to-date)**



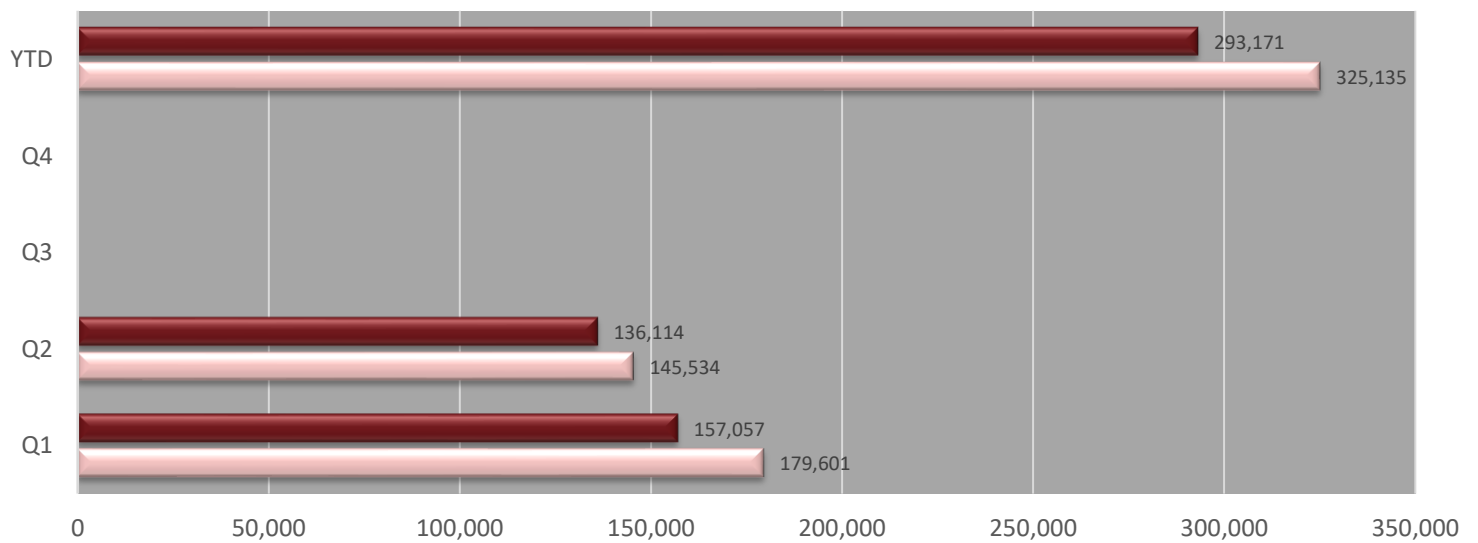
	Q1	Q2	Q3	Q4	YTD
CY 2020/21	157,057				157,057
FY 2019/20	179,601				179,601

**Website Activity
(Quarterly - Q2)**



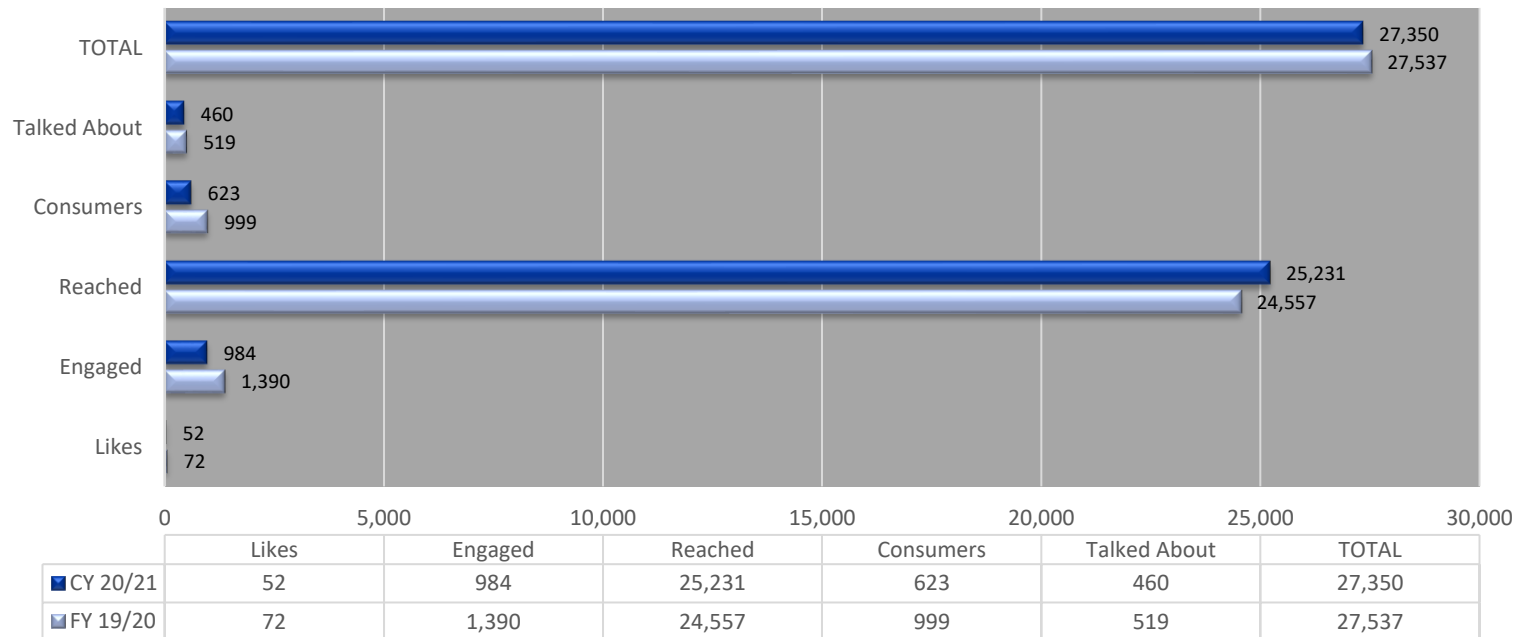
	About Us	Home	Consumers	Licensees	Applicants	Publications	Forms	Laws	TOTAL
CY 2020/21	5,588	33,635	4,862	37,842	27,177	2,048	7,671	17,291	136,114
FY 2019/20	5,959	34,616	4,763	35,741	33,185	3,311	7,540	20,419	145,534

**Website Activity
(Year-to-date)**

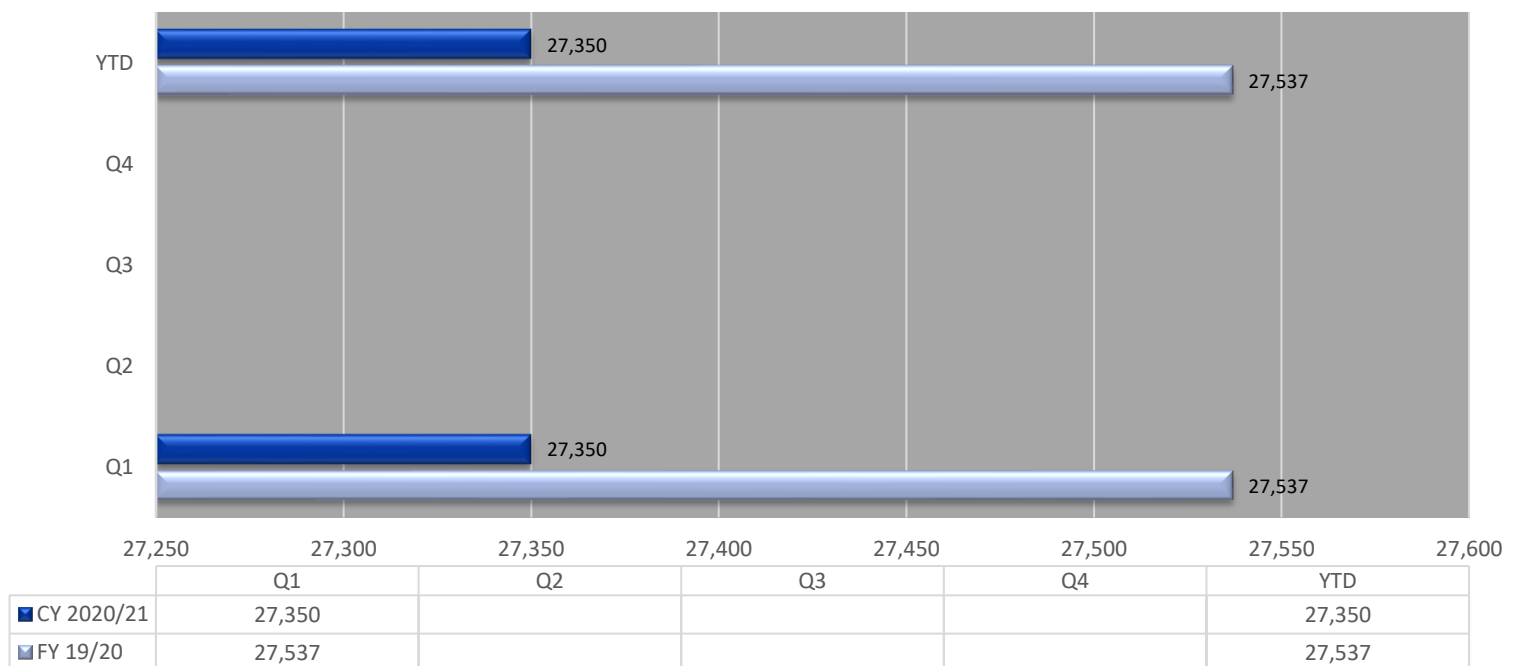


	Q1	Q2	Q3	Q4	YTD
CY 2020/21	157,057	136,114			293,171
FY 2019/20	179,601	145,534			325,135

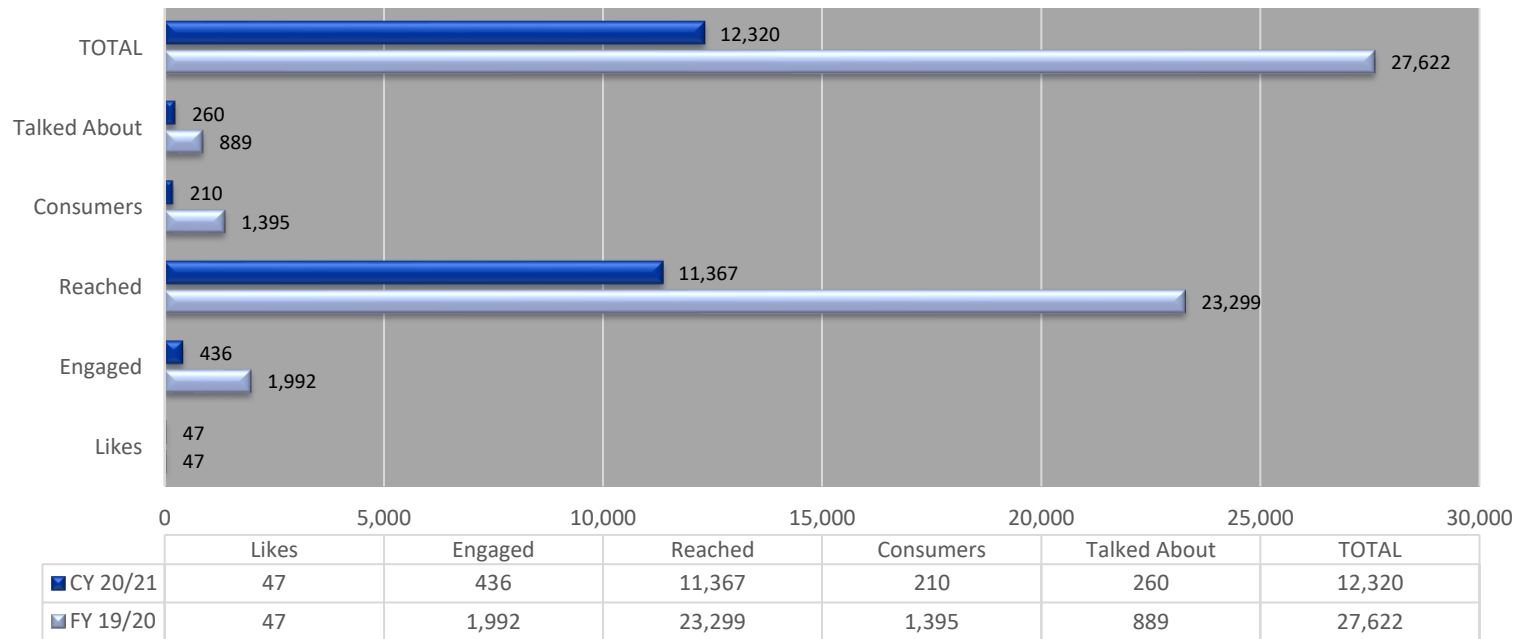
Facebook Activity (Quarterly - Q1)



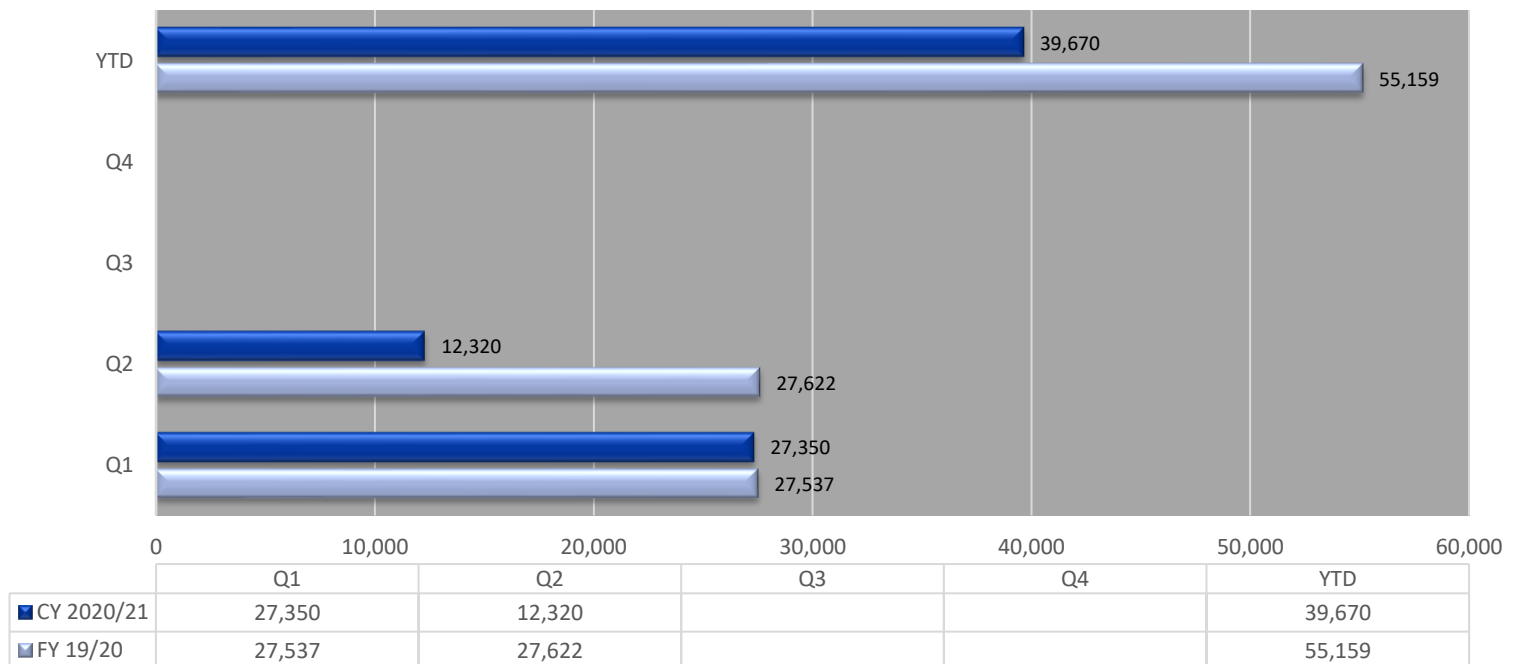
Facebook Activity (Year-to-Date)



Facebook Activity (Quarterly - Q2)



Facebook Activity (Year-to-Date)





Briefing Paper

Agenda Item # 16

Date: 2/22/2021

Prepared for: PTBC Members

Prepared by: Sarah Conley

Subject: Application Services Report

Purpose:

To provide an update on the most recent activities and the state of the Application Services program.

Attachments: [Application Services Statistics](#)
[Examination Statistics](#)

Data Format:

The report includes year-to-date and quarter data comparisons between the current fiscal year and the previous fiscal year for both quarter 1 (July-September) and quarter 2 (October-December). The percentages included with the program statistics actual numbers represent a portion of the total number.

Program Update:

The Applications Services program (program) settled in to working at home and not only continues to meet its mandate as the first step in consumer protection by evaluating applicants' qualifications for licensure during the pandemic but has also taken the opportunity to identify innovative ways in which to meet stakeholders' needs. An example of this innovation is electronic submission of education verification. While this was an idea that PTBC began piloting over one year ago, it has really taken off for education programs accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) with most California programs and some out-of-state programs participating. Also, two of the three credential evaluation agencies that evaluate education for applicants who were educated at a program not accredited by CAPTE and not located in the U.S. are sending credential evaluations electronically.

Innovation is only as good as the user. A critical part of process improvement is education and communication. The program continues to deliver presentations to education programs that takes students step by step through the application process. While the PTBC's outreach program was grounded by the pandemic, it was not abandoned. The PTBC now conducts all presentations via video communication platforms such as Zoom and Teams.

To effectively implement innovation and ensure applicants experience the application process as presented to them, the program must employ the resources necessary to support it. PTBC

leadership has been working diligently to secure these resources. Recently, the program had the great fortune to welcome a new team member, Ms. Alma Amaya, to assist in evaluating applications for licensure. Ms. Amaya previously served at the California State Athletic Commission.

The program continuously monitors processes and changes for effectiveness, including soliciting feedback from applicants regarding their experience. The program has received positive feedback on the increased use of technology, proficiency of staff, online resources and the outreach presentations to prepare for the licensure process. Applicants have also identified opportunities for improvement and offered valuable suggestions. The program sincerely appreciates all feedback and will use this information as it further develops its processes.

Lastly, in addition to the internal efforts to assist applicants, the Department of Consumer Affairs continues to provide a COVID waiver that extends the time in which an applicant may complete the application process; therefore, instead of the standard one year to take the examination, an applicant is permitted eighteen months.

Data Analysis:

Overall, program statistics reflect a decrease in out-of-state applicants this fiscal year, specifically for physical therapist assistants. There are a couple factors related to the pandemic contributing to this decline. Often out-of-state physical therapist assistants are employed by healthcare contract agencies and are required to travel nationwide for a given position; there was likely a reduction in the need to travel due to pandemic restrictions. In addition, in order to ensure an adequate California healthcare workforce during the pandemic, out-of-state applicants are provided an opportunity to work in California specifically for purposes related to the pandemic if approval is granted by the California Emergency Medical Services Authority (EMSA). Once approval is granted, it is valid for the duration of the declared emergency. To qualify for this approval, the out-of-state licensee must be contracted with a California facility, and the facility must complete and submit the request form to EMSA along with the licensee's government identification and verification of licensure. The EMSA provides the PTBC a list of licensees that have received this approval for its record.

In addition to fewer out-of-state applicants, the number of applicants from programs not accredited by CAPTE and located outside the U.S. has decreased. Staff has not identified a specific reason for this decline.

Finally, the program is excited to share that more than 95% of applications for initial licensure are submitted online. This is a significant accomplishment that has been a work in progress for many years. Moreover, it is due solely to the PTBC's formal and informal outreach efforts to help applicants understand the value of applying online; applicants are not required to apply online.

Action Requested:

None.

Application Services Report - Program Statistics

Initial Applications Received

Current FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	511	499 (98%)	197 (39%)	34 (6%)	10 (2%)
PTA	169	159 (94%)	29 (17%)	12 (7%)	11 (6%)
Total	679	658 (97%)	226 (33%)	46 (6%)	21 (3%)
Current FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	498	471 (95%)	177 (36%)	55 (11%)	15 (3%)
PTA	139	123 (88%)	57 (41%)	19 (14%)	17 (1%)
Total	637	594(93%)	234 (37%)	74 (12%)	32 (5%)
Current FY 2020/21 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	511	499 (98%)	197 (39%)	34 (6%)	10 (2%)
PTA	169	159 (94%)	29 (17%)	12 (7%)	11 (6%)
Total	679	658 (97%)	226 (33%)	46 (6%)	21 (3%)
Last FY 2019/20 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	498	471 (95%)	177 (36%)	55 (11%)	15 (3%)
PTA	139	123 (88%)	57 (41%)	19 (14%)	17 (1%)
Total	637	594(93%)	234 (37%)	74 (12%)	32 (5%)

Licenses Issued

Current FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	699	N/A	212 (30%)	37 (5%)	5 (1%)
PTA	199	N/A	20 (10%)	15 (7%)	13 (7%)
Total	898	N/A	232 (26%)	52 (6%)	18 (2%)
Current FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	624	N/A	181 (31%)	29 (5%)	13 (2%)
PTA	261	N/A	51 (20%)	8 (3%)	14 (5%)
Total	885	N/A	242 (27%)	37 (4%)	27 (3%)
Current FY 2020/21 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	699	N/A	212 (30%)	37 (5%)	5 (1%)
PTA	199	N/A	20 (10%)	15 (7%)	13 (7%)
Total	898	N/A	232 (26%)	52 (6%)	18 (2%)
Last FY 2019/20 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	624	N/A	181 (31%)	29 (5%)	13 (2%)
PTA	261	N/A	51 (20%)	8 (3%)	14 (5%)
Total	885	N/A	242 (27%)	37 (4%)	27 (3%)

Application Services Report - Program Statistics

Initial Applications Received

Current FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	847	817 (96%)	333 (39%)	73 (9%)	16 (2%)
PTA	340	319 (94%)	54 (16%)	22 (7%)	25 (7%)
Total	1187	1136 (96%)	387 (33%)	95 (8%)	41 (3%)
Last FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	928	880 (95%)	392 (42%)	105 (11%)	23 (2%)
PTA	350	308 (88%)	112 (32%)	37 (11%)	27 (8%)
Total	1278	1188 (93%)	467 (37%)	143 (11%)	50 (4%)
Current FY 2020/21 Quarter 2					
	Total	Online	OOS	Foreign	Military
PT	336	318 (95%)	136 (40%)	39 (12%)	6 (2%)
PTA	171	160 (94%)	25 (15%)	10 (6%)	14 (8%)
Total	507	478 (94%)	161 (31%)	49 (10%)	20 (4%)
Last FY 2019/20 Quarter 2					
	Total	Online	OOS	Foreign	Military
PT	430	409 (95%)	215 (50%)	50 (12%)	8 (2%)
PTA	211	185 (88%)	55 (26%)	18 (9%)	10 (4%)
Total	641	594 (93%)	270 (42%)	68 (11%)	18 (3%)

Licenses Issued

Current FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1183	N/A	402 (34%)	60 (5%)	19 (2%)
PTA	351	N/A	44 (13%)	23 (7%)	22 (6%)
Total	1534	N/A	446 (29%)	83 (6%)	41 (3%)
Last FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1122	N/A	395(35%)	63 (5%)	23 (2%)
PTA	435	N/A	96 (22%)	12 (3%)	24 (5%)
Total	1557	N/A	491 (32%)	75 (5%)	47 (3%)
Current FY 2020/21 Quarter 2					
	Total	Online	OOS	Foreign	Military
PT	484	N/A	190 (40%)	23 (5%)	14 (3%)
PTA	152	N/A	24 (16%)	8 (6%)	9 (6%)
Total	636	N/A	214 (34%)	31 (5%)	23 (4%)
Last FY 2019/20 Quarter 2					
	Total	Online	OOS	Foreign	Military
PT	498	N/A	204 (41%)	34 (7%)	10 (2%)
PTA	174	N/A	45 (26%)	4 (2%)	10 (6%)
Total	672	N/A	249 (37%)	38 (6%)	20 (3%)

Application Services Report Examination Statistics

National PT and PTA Examination - California Statistics

Accredited PT Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	416				416	458				458	↑ 10%
Fail	45				45	57				57	↑ 12%
Total	461				461	515				515	↑ 12%
Pass Rate	90%				90%	89%				89%	↓ -1%

Non Accredited PT Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	18				18	10				10	↓ -8%
Fail	32				32	25				25	↓ -7%
Total	50				50	35				35	↓ -15%
Pass Rate	36%				36%	29%				29%	↓ -7%

Accredited PTA Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	231				231	202				202	↓ -29%
Fail	37				37	43				43	↑ 6%
Total	268				268	245				245	↓ -9%
Pass Rate	86%				86%	82%				82%	↓ -4%

Non Accredited PTA Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	8				8	7				7	↓ -1%
Fail	7				7	11				11	↑ 4%
Total	15				15	18				18	↑ 3%
Pass Rate	53%				53%	39%				39%	↓ -14%

California Law Examination (CLE)

Accredited Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	754				754	772				772	↑ 18%
Fail	209				209	208				208	↓ -1%
Total	963				963	980				980	↑ 17%
Pass Rate	78%				78%	79%				79%	↑ 1%

Non Accredited Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	50				50	48				48	↑ 2%
Fail	29				29	30				30	↑ 1%
Total	79				79	78				78	↓ -1%
Pass Rate	63%				63%	62%				62%	↓ -2%

National PT and PTA Examination - National Statistics											
Accredited PT Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	4,795				4,795	4,508				4,508	↓ -6%
Fail	715				715	571				571	↓ -14%
Total	5,510				5,510	5,079				5,079	↓ -43%
Pass Rate	87%				87%	89%				89%	↑ 2%

Non Accredited PT Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	208				208	184				184	↓ -24%
Fail	615				615	344				344	↓ -27%
Total	823				823	528				528	↓ -36%
Pass Rate	25%				25%	35%				35%	↑ 10%

Accredited PTA Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	3,146				3,146	2,773				2,773	↓ -12%
Fail	745				745	626				626	↓ -16%
Total	3,891				3,891	3,399				3,399	↓ -13%
Pass Rate	81%				81%	82%				82%	↑ 1%

Non Accredited PTA Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	85				85	71				71	↓ -14%
Fail	74				74	43				43	↓ -42%
Total	159				159	114				114	↓ -28%
Pass Rate	53%				53%	62%				62%	↑ 9%

Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	2,176				2,176	1,947				1,947	↓ -11%
Fail	410				410	437				437	↑ 7%
Total	2,586				2,586	2,384				2,384	↓ -8%
Pass Rate	84%				84%	82%				82%	↓ -2%

Non Accredited Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	97				97	80				80	↓ -18%
Fail	41				41	42				42	↑ 2%
Total	138				138	122				122	↓ -12%
Pass Rate	70%				70%	66%				66%	↓ -7%

Application Services Report Examination Statistics

National PT and PTA Examination - California Statistics

Accredited PT Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	416	276			692	458	279			737	↑7%
Fail	45	49			94	57	54			111	↑18%
Total	461	325			786	515	333			848	↑8%
Pass Rate	90%	85%			88%	89%	84%			87%	↓-1%

Non Accredited PT Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	18	10			28	10	10			20	↓-29%
Fail	32	24			56	25	21			46	↓-18%
Total	50	34			84	35	31			66	↓-21%
Pass Rate	36%	29%			33%	29%	32%			30%	↓-3%

Accredited PTA Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	231	107			338	202	117			319	↓-6%
Fail	37	35			72	43	54			97	↑35%
Total	268	142			410	245	171			416	↑1%
Pass Rate	86%	75%			82%	82%	68%			77%	↓-5%

Non Accredited PTA Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	8	1			9	7	8			15	↑67%
Fail	7	10			17	11	9			20	↑18%
Total	15	11			26	18	17			35	↑35%
Pass Rate	53%	9%			35%	39%	47%			43%	↑8%

California Law Examination (CLE)

Accredited Program

	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	754	519			1,273	772	426			1,198	↓-6%
Fail	209	139			348	208	126			334	↓-4%
Total	963	658			1,621	980	552			1,532	↓-5%
Pass Rate	78%	79%			79%	79%	77%			78%	↓-1%

Non Accredited Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	50	42			92	48	37			85	📉-8%
Fail	29	28			57	30	16			46	📉-19%
Total	79	70			149	78	53			131	📉-12%
Pass Rate	63%	60%			62%	62%	70%			65%	📈3%

National PT and PTA Examination - National Statistics											
Accredited PT Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year →
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	Year Change
Pass	4,795	1,790			6,585	4,508	1,847			6,355	⬇️ -3%
Fail	715	461			1,176	571	472			1,043	⬇️ -11%
Total	5,510	2,251			7,761	5,079	2,319			7,398	⬇️ -5%
Pass Rate	87%	80%			85%	89%	80%			86%	⬆️ 1%

Non Accredited PT Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	208	206			414	184	115			299	⬇️-28%
Fail	615	585			1,200	344	335			679	⬇️-43%
Total	823	791			1,614	528	450			978	⬇️-39%
Pass Rate	25%	26%			26%	35%	26%			31%	⬆️5%

Accredited PTA Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	3,146	1,313			4,459	2,773	1,418			4,191	↓ -6%
Fail	745	649			1,394	626	629			1,255	↓ -10%
Total	3,891	1,962			5,853	3,399	2,047			5,446	↓ -7%
Pass Rate	81%	67%			76%	82%	69%			77%	↑ 1%

Non Accredited PTA Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	85	65			150	71	49			120	📉-20%
Fail	74	88			162	43	47			90	📉-44%
Total	159	153			312	114	96			210	📉-33%
Pass Rate	53%	42%			48%	62%	51%			57%	📈9%

Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	2,176	1,411			3,587	1,947	1,190			3,137	↓ -13%
Fail	410	344			754	437	343			780	↑ 3%
Total	2,586	1,755			4,341	2,384	1,533			3,917	↓ -10%
Pass Rate	84%	80%			83%	82%	78%			80%	↓ -3%

Non Accredited Program											
	Fiscal Year 2019/20					Fiscal Year 2020/21					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	97	79			176	80	71			151	↓ -14%
Fail	41	42			83	42	25			67	↓ -19%
Total	138	121			259	122	96			218	↓ -16%
Pass Rate	70%	65%			68%	66%	74%			69%	↑ 1%



Briefing Paper

Agenda Item # 17

Date: 2/22/2021

Prepared for: PTBC Members

Prepared by: Sarah Conley

Subject: License Maintenance Services Report

Purpose:

To provide an update on the most recent activities and the state of the License Maintenance Services program.

Attachments: [License Maintenance Statistics](#)

Data Format:

The report includes year-to-date and quarter data comparisons between the current fiscal year and the previous fiscal year for both quarter 1 (July-September) and quarter 2 (October-December). The percentages included with the program statistics actual numbers represent a portion of the total number.

Program Update:

With much of the License Maintenance program's work automated, staff have transitioned from processing individual requests to using reports for reconciliation, which is a more effective use of resources. Staff can focus attention on addressing licensee questions and resolving matters that may not have been able to be completed through automated processes.

Action Requested:

None.

License Maintenance Services Report - Program Statistics

License Status Counts*

Fiscal Year 2020/21 Q1				
	Current	Inactive	Delinquent	Retired
PT	27,586	1,209	4,193	372
PTA	7,728	311	1,247	120
Total	35,314	1,520	5,440	492
Fiscal Year 2019/20 Q1				
	Current	Inactive	Delinquent	Retired
PT	26,550	1,201	4,016	327
PTA	7,464	309	1,132	98
Total	34,014	1,510	5,148	425

*As of 11/01/19

Renewals Processed

Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	3,397	2,956	87%
PTA	972	854	88%
Total	4,369	3,810	87%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	3,458	2,958	86%
PTA	951	821	86%
Total	4,409	3,779	86%
Fiscal Year 2020/21 Q1			
	Total	Online	
PT	3,397	2,956	87%
PTA	972	854	88%
Total	4,369	3,810	87%
Fiscal Year 2019/20 Q1			
	Total	Online	
PT	3,458	2,958	86%
PTA	951	821	86%
Total	4,409	3,779	86%

Name Changes Processed

Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	57	51	89%
PTA	13	11	84%
Total	70	62	89%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	91	82	90%
PTA	35	27	77%
Total	126	109	87%
Fiscal Year 2020/21 Q1			
	Total	Online	
PT	57	51	89%
PTA	13	11	84%
Total	70	62	89%
Fiscal Year 2019/20 Q1			
	Total	Online	
PT	91	82	90%
PTA	35	27	77%
Total	126	109	87%

**Physical Therapy Board of California
License Maintenance Services Report
Fiscal Year 2020/21 Q1**

Agenda Item #17(B)

Address Changes Processed			
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	1,102	1,062	96%
PTA	275	257	93%
Total	1,377	1,319	96%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	1,050	978	93%
PTA	276	252	91%
Total	1,326	1,230	93%
Fiscal Year 2020/21 Q1			
	Total	Online	
PT	1,102	1,062	96%
PTA	275	257	93%
Total	1,377	1,319	96%
Fiscal Year 2019/20 Q1			
	Total	Online	
PT	1,050	978	93%
PTA	276	252	91%
Total	1,326	1,230	93%

Duplicate Requests Processed			
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	25	14	56%
PTA	3	3	100%
Total	28	17	61%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	52	27	52%
PTA	20	7	35%
Total	72	34	47%
Fiscal Year 2020/21 Q1			
	Total	Online	
PT	25	14	56%
PTA	3	3	100%
Total	28	17	61%
Fiscal Year 2019/20 Q1			
	Total	Online	
PT	52	27	52%
PTA	20	7	35%
Total	72	34	47%

License Maintenance Services Report - Program Statistics

License Status Counts*

Fiscal Year 2020/21 Q2				
	Current	Inactive	Delinquent	Retired
PT	27,646	1,175	4,398	383
PTA	7,699	305	1,318	122
Total	35,345	1,480	5,716	505
Fiscal Year 2019/20 Q2				
	Current	Inactive	Delinquent	Retired
PT	26,798	1,186	4,088	336
PTA	7,499	304	1,154	101
Total	34,297	1,490	5,242	437

*As of January 1st

Renewals Processed

Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	6,528	5,709	87%
PTA	1,841	1,641	89%
Total	8,369	7,350	88%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	6,732	5,388	80%
PTA	1,867	1,472	79%
Total	8,599	6,860	80%
Fiscal Year 2020/21 Q2			
	Total	Online	
PT	3,131	2,753	88%
PTA	869	787	91%
Total	4,000	3,540	89%
Fiscal Year 2019/20 Q2			
	Total	Online	
PT	3,274	2,430	74%
PTA	916	651	71%
Total	4,190	3,081	74%

Name Changes Processed

Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	129	116	89%
PTA	30	28	94%
Total	159	144	91%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	192	178	93%
PTA	49	41	84%
Total	241	219	91%
Fiscal Year 2020/21 Q2			
	Total	Online	
PT	72	65	91%
PTA	17	17	100%
Total	89	82	92%
Fiscal Year 2019/20 Q2			
	Total	Online	
PT	101	96	95%
PTA	14	14	100%
Total	115	110	96%

**Physical Therapy Board of California
License Maintenance Services Report
Fiscal Year 2020/21 Q2**

Agenda Item # 17

Address Changes Processed			
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	2,004	1,062	96%
PTA	503	479	93%
Total	2,507	1,541	61%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	1,842	1,720	93%
PTA	522	478	92%
Total	2,364	2,198	93%
Fiscal Year 2020/21 Q2			
	Total	Online	
PT	902	872	97%
PTA	228	222	97%
Total	1,130	1,094	97%
Fiscal Year 2019/20 Q2			
	Total	Online	
PT	792	742	94%
PTA	246	226	92%
Total	1,038	968	93%

Duplicate Requests Processed			
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	60	49	82%
PTA	3	3	100%
Total	63	52	83%
Fiscal Year 2019/20 YEAR TO DATE			
	Total	Online	
PT	89	45	51%
PTA	30	14	47%
Total	119	59	50%
Fiscal Year 2020/21 Q2			
	Total	Online	
PT	35	35	100%
PTA	0	0	100%
Total	35	35	100%
Fiscal Year 2019/20 Q2			
	Total	Online	
PT	37	18	49%
PTA	10	7	70%
Total	47	25	53%



Briefing Paper

Agenda Item # 18

Date: 2/22/2021

Prepared for: PTBC Members

Prepared by: Sarah Conley

Subject: Continuing Competency Services Report

Purpose:

To provide an update on the most recent activities and the state of the Continuing Competency Services program.

Attachments: [License Maintenance Statistics](#)

Background:

Licensees are required to certify at the time of renewal that they complied with the continuing competency requirement for renewal set forth in Business and Professions Code section 2649. To ensure compliance, the PTBC is mandated to conduct random continuing competency audits. Audit samples are collected quarterly in keeping with the PTBC's overall statistical record keeping and reporting standard. The audit sample is pulled at the beginning of a quarter for licensees who renewed in the previous quarter. Audits are conducted, then the results are reported the following quarter. The whole audit process from sample collection to reporting results runs six months or two fiscal year quarters. Please note, however, this does not mean each audit takes six months to complete.

Program Update:

Continuing Competency program resources have been redirected to Application Services due to operational need prompted by COVID-19; therefore, no licensee audit data is being reported at this meeting. While much of the time is dedicated to Application Services, staff is still completing pending licensee audits as well as preparing to audit approval agencies.

Action Requested:

None.



Briefing Paper

Agenda Item 19

Date: 03/03/2021

Prepared for: PTBC Members

Prepared by: Cristy Livramento

Subject: Consumer Protection Services Program (CPS)

Purpose:

Update on Consumer Protection Services Program-FY 2020/2021 Q1 and Q2

Attachments: [1. CPS Statistics Report](#)
[2. Disciplinary Summary](#)

Program Update:

Enforcement staff continue to telework 3- 4 days a week, and come into the office 1-2 days a week. The telework schedule has allowed for continued investigation on enforcement cases with some changes. Face to face interviews (DOI) have decreased, and most interviews are done over the phone/video and recorded. Some experts have opted to not be available for site visits. OAH continues to hear cases by video and telephonic/remote hearing.

The Attorney General's (AG) office implemented a new system to transmit cases for discipline called the FX File Exchange. This new system allows for cases to be transmitted electronically to the AG's office. The positives for this new system is that a case is received at the AG's office the same day that it is transmitted. The new system does not require staff to make physical copies of the entire case transmitted.

Positive Outcomes from Teleworking:

Staff have adapted to teleworking, thus learning new processes for daily work, i.e.: more electronic communication between staff and all other involved parties of an enforcement case.

Laptops provided for all staff. Staff no longer use personal computers for teleworking.

Microsoft TEAMS app was installed, allowing for instant communication between staff and other DCA employees. TEAMS allows for "instant" messaging, similar to texting, and phone calls. TEAMS also allows for "group" messaging and "group" phone calls, allowing more than two parties to be involved in the message or telephone call. TEAMS also allows for video calls between parties.

Less stress has been reported from staff in that the commute to and from the office has helped both mentally and financially. Less stress is felt at home in that staff is able to concentrate on the case currently being reviewed/worked with less distractions, and visibility of all other cases.

Healthier lifestyles have been reported as a result of working from home (diet and exercise). Working from home provides some relief to potential exposure to COVID.

Attachments:

Attachment 1: CPS Statics Report

As of FY 2020/2021, for Q1, there were 70 complaints received, and 31 conviction/arrest cases received. As of FY 2020/2021, for Q2, there were 47 complaints received, and 44 conviction/arrest cases received. For both quarters combined, this was down 34 % compared to this same time last fiscal year. Target was met for both quarters in intake, with the average number of days in intake at 4.

PM3: Investigations: Investigation cycle times for both Q1 and Q2 were above the target of 90 days (Q1: 200 days; Q2 185 days). This is an increase compared to this time last fiscal year. Changes are due to various reasons case by case. Q1 saw 8 citations issued and Q2 saw 4 citations issued. Although this was down compared to this time last fiscal year, so were the days to close a citation case. Staff continues to prioritize aging/older cases.

PM4: Discipline: In Q1, 12 cases were initiated at the AG's office, and in Q2, 10 cases were initiated, bringing the total cases pending at the AG's office in Q2 to 58. This is up 87% compared to this time last fiscal year. There were 9 accusations filed in Q1 and 4 filed in Q2. No statement of issues were filed in Q1 or Q2.

Attachment 2: Disciplinary Summary

Disciplinary Summary of formal discipline and citations issued. Disciplinary actions are of public record and are available through the DCA License Search. <https://search.dca.ca.gov/>

Action Requested: None.

Consumer Protection Services Statistics Report

Complaint Intake

	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM1: Complaints Received	152	70	47			117	↓ -23%
PM1: Convictions/Arrest Received	137	31	44			75	↓ -45%
PM1: Total Received	289	101	91			192	↓ -34%

Intake

Target: 9 Days	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	3	4	4			4	↑ 33%

Investigations

Target: 90 Days	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	134	200	185			193	↑ 44%
PM3a: Intake Only	2	3	3			3	↑ 50%
PM3b: Investigation Only	126	187	169			178	↑ 41%
PM3c: Post Investigation Only	2	5	5			5	↑ 150%

Investigations Aging

	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	59%	49	52			52%	↓ -7%
91 - 180 Days	20%	14	11			13%	↓ -7%
181 Days - 1 Year (364)	14%	12	19			16%	↑ 2%
1 to 2 Years (365-730)	3%	6	19			13%	↑ 10%
2 to 3 Years (731- 1092)	3%	8	3			6%	↑ 3%
Over 3 Years (1093 +)	1%	1	0			1%	↓ 0%

Citations

	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	26	8	4			12	↓ -54%
Average Days to Close	442	261	227			244.0	↓ -45%

Transmittals to Attorney General (AG)

Target: 540 Days	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM4: AG Cases	822	557	1056			807	↓ -2%
PM4a: Intake Only	4	3	2			3	↓ -38%
PM4b: Investigation Only	491	281	670			476	↓ -3%
PM4c: Pre-AG Transmittal	2	1	2			2	↓ -25%
PM4d: Post-AG Transmittal	358	235	384			310	↓ -14%

	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	30	12	10			22	↓ -27%
AG Cases Pending	31	60	58			58	↑ 87%
SOIs Filed	1	0	0			0	↓ -100%
Accusations Filed	7	9	4			13	↑ 86%

AG Transmittals							
	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	31	6	9			15	↓ -52%
Total Average Days to Complete	822	557	1056			806.5	↓ -2%

Total Orders Aging/Final Decision							
	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	0%	0	0			0%	⇒ 0%
91 - 180 Days	0%	0	0			0%	⇒ 0%
181 Days - 1 Year (364)	13%	1	2			20%	↑ 7%
1 to 2 Years (365-730)	39%	1	3			27%	↓ -12%
2 to 3 Years (731- 1092)	26%	1	0			7%	↓ -19%
Over 3 Years (1093 +)	23%	3	4			47%	↑ 24%
		6	9	0	0	15	

Other Legal Actions							
	FY 2019/20	Fiscal Year 2020/21					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension or PC 23 Ordered	1	0	0			0	↓ -100%

PM1: Volume - Number of complaints received within the reference period.

PM2: Cycle Time - Intake - Average number of days from the date the complaint was received to the date the complaint was closed or assigned for investigation (assigned to staff).

PM3: Cycle Time - Investigations - Average number of days to complete the entire enforcement process for complaints not transmitted to the AG for formal discipline. (includes intake and investigation days)

PM3a: Intake Only - Of the cases included in PM3, the average number of days from the date the complaint was received to the date the complaint was assigned for investigation.

PM3b: Investigation Only - Of the cases included in PM3, the average number of days from the date the complaint was assigned for investigation to the date the investigation was completed. (without intake)

PM3c: Post Investigation Only - Of the cases included in PM3, the average number of days from the date the investigation was completed to the date of the case outcome or non-AG formal discipline effective date.

PM4: Cycle Time-AG Transmittal - Average number of days to complete the enforcement process for cases investigated and transmitted to the AG for formal discipline. (includes intake & investigation to final outcome of cases transmitted to the AG - includes withdrawals, dismissals, etc.)

PM4a: AG Transmittal - Intake Only - Of the cases included in PM4, the average number of days from the date the complaint was received to the date the complaint was assigned for investigation.

PM4b: AT Transmittal - Investigation Only - Of the cases in PM4, the average number of days from the date the complaint was assigned for investigation to the date the investigation was completed.

PM4c: AG Transmittal - Pre AG Transmittal - Of the cases in PM4, the average number of days from the date the investigation was completed to the date the case was transmitted to the AG.

PM4d: AG Transmittal - Post AG Transmittal - Of the cases in PM4, the average number of days from the date the case is transmitted to the AG to the date of the case outcome or formal discipline effective date. (AG days only)

**Disciplinary Summary
Fiscal Year 2020-21 / Quarters 1 & 2**

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of October 2020 through December 2020. Except for situations where the licensee has obtained a court ordered stay, Decisions become operative on the Effective Date. Stay orders do not occur in stipulated decisions, which are negotiated settlements waiving court appeals.

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

Physical Therapy Board of California
2005 Evergreen Street, Suite 2600
Sacramento, CA 95815
(916) 561-8200/ FAX (916) 263-2560

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July 2020

KUENSTLER, KONRAD K. PT 35399

Violations: Mental impairment affecting competency [examination]. Stipulated Surrender of License and Order Effective 7/23/20, License Surrendered.

FITZPATRICK, KATIE JEAN PT 33412

Probation Voluntary Surrender of License and Order Effective 7/30/20. License Surrendered.

August 2020

(None)

September 2020

PENICHETTI, SUZANNE PT 3478

Violations: Use of alcoholic beverages to the extent, or in such a manner, as to be dangerous or injurious to respondent, another person, or the public; practicing under the influence of alcohol; conviction of crimes substantially related to the qualifications, function, or duties of a physical therapist assistant [multiple DUI]; and habitual intemperance. Stipulated Surrender of License and Order Effective 9/23/20, License Surrendered.

October 2020

TAYEBI, HOSSEIN PT 30221

Violations: Patient record documentation; and failing to post notice to consumer. Public Letter of Reprimand Issued 10/05/20.

VEDAMANI, SYLVIA PT 37699

Violations: Gross negligence; fraudulent, dishonest, or corrupt act; and misrepresenting/falsifying patient records. Public Letter of Reprimand Issued 10/05/20.

SPELLMAN, CHRISTINE DIANE PTA 10680

Violations: Conviction of a crime substantially related to the practice of a Physical Therapist Assistant [felony possess marijuana for purpose of sale]; and general unprofessional conduct. Default Decision and Order Effective 10/28/20, License Revoked.

RIVERA, JOSE EDUARDO PTA 5154

Violations: Conviction of a crime [multiple DUIs]; use of drugs or alcoholic beverages in a manner, or to an extent, as to be dangerous to himself, to another person, or to the public; and unprofessional conduct. Default Decision and Order Effective 10/28/20, License Revoked.

November 2020

MALMQUIST III, CARL YALE III PT 35911

Violations: Discipline, restriction or limitation imposed by another state. Default Decision and Order Effective 11/30/20, License Revoked.

SORIANO, JOHN GILBERT PT 26708

Violations: Unprofessional conduct based on care provided; gross negligence and/or inadequate documentation; dishonesty and/or billing for services not performed; and inadequate supervision of physical therapy aides, aiding and abetting the unlicensed practice of physical therapy, failing to wear name tags, failing to provide notice to consumers, failing to ensure competency of physical therapy aides. Stipulated Settlement and Disciplinary Order Effective 11/25/20, 5 years' Probation.

December 2020

BARKER, LISA MARIE PT 23040

Violations: Use of alcohol beverages to the extent, or in such a manner, as to be dangerous or injurious to respondent, another person, or to the public; discipline, restriction, or limitation imposed by another state; unprofessional conduct; and violation of a provision or provisions of the Physical Therapy Practice Act. Default Decision and Order Effective 12/14/20, License Revoked.

NEASE, MICHAEL CHRISTOPHER PT 29321

Violations: Failing to post employee licenses in area visible to patients, or to require physical therapy licensees employed to wear name tags; failing to adequately secure confidential patient information and medical records; failing to maintain documentation of the competency level of Physical Therapy Aide(s) for performing patient related tasks; failing to document which aspects of patient care were delegated to and provided by Physical Therapy Aides in multiple patient records; permitted a PTA under supervision to document patient's progress report and to provide that report to the patient's physician; and other patient record documentation. Public Letter of Reprimand Issued 12/16/20.

Initial Probationary Licenses (IPL) Issued

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TORRES, RENAN PTA 50651

Violations: Conviction of a crime [Hit and Run: death or injury]. Effective 7/03/20, 3 years.

BARADAR HERISTCHIAN, BOZORGMEHR PT 299164

Violations: Conviction of a crime substantially related to the practice of Physical Therapy [multiple DUI]. Proposed Decision Effective 9/21/20, 3 years.

Glossary of Terms

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

Accusations: Charges filed against a licensee alleging violation(s) of the Physical Therapy Practice Act.

Interim Suspension Order: An Order issued upon petition, suspending a licensee from all or specified part of their practice of, or assisting in the provision of, physical therapy.

Petition to Revoke Probation: Charges filed against a probationer seeking revocation of their physical therapy or physical therapy assistant license based upon violation(s) of probation.

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

Public Letter of Reprimand: In lieu of filing a formal accusation, the Board may, pursuant to B&P Code, section 2660.3, upon stipulation or agreement by the licensee, issue a public letter of reprimand.

Statement of Issues Filed: Charges filed against an applicant due to alleged violation(s) of the Physical Therapy Practice Act. If found to be true, the charges may result in discipline.

Surrender of License: License surrender as part of a disciplinary order.

Stipulated Decision: Negotiated settlements waiving court appeals.



Briefing Paper

Agenda Item 20(A)

Date: February 22, 2021

Prepared for: PTBC Members

Prepared by: Monny Martin, PTBC Probation Monitor

Subject: Probation Monitoring Program

Purpose: Update on Probation Monitoring Program for Q1 & Q2 - FY 2020-2021

Attachments: [1. Statistical Report](#)

Background:

This is a report on the Board's Probation Monitoring Program for the first and second quarter of FY 2020-2021. Please refer to attachment A-1 which contains the probation statistics for the first quarter of FY 2020-2021.

Analysis:

In the first quarter, there were 84 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 66 licensees on probation and in the state of California, there were an additional 18 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were two (2) licensees placed on probation in the quarter, and six (6) licensees that completed probation in the quarter. One (1) licensee voluntarily surrendered their license.

In the second quarter of FY 2020-2021, one (1) more licensee was placed on probation, and three (3) more licensees completed probation. One (1) more licensee enrolled in the Board's Drug and Alcohol Recovery Monitoring Program and two (2) more completed it.

The Covid-19 pandemic also brought about several changes. I began working from home four times a week and several processes were updated to adapt. Included among those changes is the way the Board invoices for Cost Recovery and Probation Monitoring costs. Most of that process has now been automated through the Breeze system and probationers are now able to see all future payments and their due dates for the entire period of probation. This allows probationers to budget accordingly and they are able to make any payments, whether it is for what is currently due or what will be due in the future, whenever they want via credit card. So far, the new process seems to be working great and I have not heard any complaints about it from the probationers.

Another exciting change to report is the use of Microsoft Teams to conduct face-to-face probation monitoring interviews. In February 2021, the Board conducted it's first probation monitoring interviews via Microsoft Teams with a small number of probationers. The test interviews were successful and the Board now has plans to continue expanding the use of Microsoft Teams to conduct probation monitoring interviews. Eventually, I would like to conduct most probation interviews via video call because it allows me to have face-to-face contact with probationers wherever they are practicing in the state, even if they are in locations that are more difficult for me to physically get to. So far, there have not been any issues caused by the pandemic that we haven't found a solution for and it has forced us to become even more efficient than before.

Action Requested: No Action Required.

Probation Statistics Report

Probation								
	FY 2019/20	Fiscal Year 2020/2021					Year → Year Change	
	YTD	Q1	Q2	Q3	Q4	YTD		
Entered Probationer	9	2	1	0	0	3	⬇️	-67%
Completed Probation	9	6	3	0	0	9	➡️	0%
Probation Terminated (Revocation/Stip Su	1	0	0	0	0	0	⬇️	-100%
Non-Compliant w/Probation	2	0	0	0	0	0	⬇️	-50%
Tolling (Out of State)	18	18	18	0	0	18	⬆️	18%
Surrenders (Voluntary)	1	1	0	0	0	1	⬇️	-66%
Total Probationers	89	84	82	0	0	89	➡️	0%

Maximus							
	FY 2019/20	Fiscal Year 2020/2021					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Maximus	4	0	1	0	0	4	→ 0%
Completed Maximus	4	0	2	0	0	2	↓ -50%
Total Maximus Participants	12	12	11	0	0	11	↓ -8%
Determined To Be Clinically Inappropriate	5	0	0	0	0	0	↓ -20%
Terminated - Public Risk	1	0	0	0	0	0	↓ -100%
Terminated - Failure to Receive Benefit	1	0	0	0	0	1	↑ 100%
Withdrawn (Expense) - Post-Decision	0	0	0	0	0	0	→ 0%
Withdrawn (Left State) - Post-Decision	0	0	0	0	0	0	→ 0%
Withdrawn - Pre-Decision	1	0	0	0	0	0	↓ -100%