



Physical Therapy Board of California

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

# Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

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



## Board Members

### President

Debra Alviso, Physical Therapist, DPT

### Vice-President

Sara Takii, Physical Therapist, DPT, MPA

### Members

Katarina Eleby

Martha Jewell, Physical Therapist, Ph.D.

Alicia Rabena-Amen, Physical Therapist, MPT

James Turner, MPA

Carol Wallisch, MA, MPH

## Physical Therapy Board of California APPROVED Meeting Minutes

May 14, 2014 8:00 a.m.

May 15, 2014 8:30 a.m.

**UCLA – Weyburn Commons  
Village View Room, 4<sup>th</sup> Floor  
11020 Weyburn Drive  
Los Angeles, CA 90024**

## Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Sarah Conley, Executive Associate  
Analyst

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

## 1. Call to Order and Roll Call

The Physical Board of California (Board) meeting was called to order by Dr. Alviso at 8:18 a.m. All members were present and a quorum was established. Also present at the meeting were Laura Freedman, Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Consumer Protection Services Manager; Sarah Conley, Executive Associate Analyst; and, Vincent Azar, Information Technology Specialist.

## 2. Board Member Changes

- (A) Welcome to Alicia Rabena-Amen
- (B) Thanks to Martha Jewell
- (C) Reappointment of Debra Alviso

Dr. Alviso announced a number of Board changes: the departure of Dr. Martha Jewell, PT, PhD from the Board as her term ends June 1, 2014; the appointment of Ms. Alicia Rabena-Amen, PT, MPT to the Board; and, her own reappointment to the Board.

Dr. Jewell was appointed in October of 2006. One of her first assignments was to serve as Chair of the Continuing Competency Task Force. Dr. Jewell served as Board President, Vice President, and FSBPT Delegate and Vice-Delegate. She was involved in numerous projects including completing two sunset review reports and service on the recruitment committee to assist the Board in its recent selection of a new executive officer. Dr. Jewell brought a wealth of knowledge with her experience and education, which included being the founding chair of the physical therapy program at Samuel Merritt University. She held faculty positions at Mount

St. Mary's, Stanford University, USC, and Chicago Medical School. Dr. Jewell consistently applied her talent and experience, providing a keen eye for detail to document review, calling attention to inconsistencies, and bringing potential consequences of the Board's actions to the table for discussion.

Ms. Rabena-Amen has been adjunct faculty at the University of the Pacific since 2014, a physical therapist at Infinity Care Services Inc. since 2011 and senior physical therapist at Kaiser Permanente South Sacramento since 1998. Rabena-Amen was a physical therapist at Global Healthcare Services from 2013 to 2014 and was a physical therapist at Lodi Memorial Hospital from 2007 to 2013. She earned a Master of Arts degree in physical therapy from Mount St. Mary's College.

**3. Special Order of Business – Wednesday, 8:30 a.m.**

**(A) Hearing on Petition for Modification of Probation – Eric Cook, PT**

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

Once issued, disciplinary decisions may be found on the Board's website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov).

**4. Closed Session**

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

Once issued, disciplinary decisions may be found on the Board's website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov).

**(B) Pursuant to Government Code section 11126(c)(1)  
Matters Relating to Examinations**

No discussion occurred on this item.

**(C) Pursuant to Government Code section 11126(a)(1)  
Evaluation of Executive Officer**

**(D) Pursuant to Government Code section 11126(e)  
US Equal Employment Opportunity Commission (EEOC) Charge  
Number 555-2012-00027**

No discussion occurred on this item.

**5. Approval of February 19 & 20, 2014 Meeting Minutes – Sarah Conley**

Under agenda item 4(B), Ms. Freedman recommended the minutes reflecting the discussion of the December 10, 2013, teleconference minutes be clarified to state the minutes were modified to further summarize edits made during the teleconference.

Under agenda item 5(C), Dr. Alviso clarified she did not state that none of the physical therapy programs referred to students as interns; therefore, it should be stricken from the record.

Dr. Sheryl Low, Physical Therapist, corrected the spelling of her name in the minutes.

**MOTION: To adopt the draft February 19 & 20, 2014, meeting minutes as amended.**

**MOVED: Mr. Turner**

**SECOND: Dr. Takii**

**VOTE: 7-0 Motion carried**

**6. Consumer and Professional Associations and Intergovernmental Relations Reports  
(A) Federation of State Boards of Physical Therapy (FSBPT)**

With the changes to the Board as noted under agenda item #2, the Board discussed designating all members as back-up delegates which would allow any member to attend in the event the delegate, alternate delegate, or back-up alternate delegate would be unable to attend.

**MOTION: To designate any Board member as alternate delegate to attend the FSBPT Delegate Assembly.**

**MOVED: Dr. Takii**

**SECOND: Ms. Eleby**

**VOTE: 7-0 Motion carried**

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

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

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

A representative from the CPTA indicated she had nothing to bring before the Board under this agenda item.

**7. President's Report – Dr. Alviso  
(A) 2014 Meeting Calendar**

The Board reviewed the 2014 calendar. Mr. Kaiser informed the Board a location has not yet been set for the November 2014 meeting. Dr. Alviso brought to the Board's attention this

year's FSBPT Delegate Assembly will be held in California. The Board requested Mr. Kaiser look into whether all members can attend the Delegate Assembly this year since it is in California.

**(B) Proposed 2015 Meeting Calendar**

The Board reviewed the proposed 2015 meeting dates. Dr. Alviso requested the Board consider moving the November meeting date as the proposed date is close the Thanksgiving holiday.

**8. Executive Officer's Report – Jason Kaiser**

Mr. Kaiser directed the Board to his written report and highlighted that two vacant positions were recently filled; one in Administrative Services and one in Licensing Services.

**9. Legislation Report – Sarah Conley**

**(A) SB 198 (Lieu) Physical Therapy Board of California**

- i. Clean-up Recommendations
  - a. PTA Education Requirements

Ms. Conley informed the Board that SB 198 amended Business and Professions Code (B&P Code) section 2650 to include both PT and PTA education requirements, and inadvertently included a provision requiring PTA education programs to include a minimum of 18 weeks clinical service experience. PTA education programs do not include 18 weeks of clinical experience.

Staff requested the Board grant the Executive Officer the authority to seek a legislative change to remedy this oversight.

**MOTION:** Grant the Executive Officer the authority to seek a legislative change to remove the statutory requirement for PTA programs to have a minimum of 18 weeks clinical service experience.

**MOVED:** Dr. Jewell

**SECOND:** Dr. Takii

**VOTE:** 7-0 Motion carried

**(B) 2014 Bills**

- i. **AB 790 (Gomez) Child Abuse: Reporting**
- ii. **AB 1702 (Maienschein) Professions and Vocations: Incarceration**
- iii. **AB 1758 (Patterson) Healing Arts: Initial Licensing Fees: Proration**
- iv. **AB 1890 (Chau) Athletic Trainers**
- v. **AB 1903 (Donnelly) Business and Professions**
- vi. **AB 2165 (Patterson) Professions and Vocations: Licenses**
- vii. **SB 1159 (Lara) Professions and Vocations: License Applicants: Federal Tax Identification Number**
- viii. **AB 2598 (Hagman) Department of Consumer Affairs: Administrative Expenses**
- ix. **SB 1215 (Hernandez) Healing Arts Licensees: Referrals**
- x. **SB 1256 (Mitchell) Medical Services: Credit**
- xi. **SB 1258 (DeSaulnier) Controlled Substances: Prescriptions: Reporting**
- xii. **Other Bills that have come to the attention of the Board after publication of the Agenda**

Ms. Conley provided an update on the bills noticed on the agenda as well as AB 2396 under agenda item #9(B)(xii). The Board directed the Executive Officer to communicate its concerns with AB 1758 to the DCA and the Legislature. The Board expressed concern regarding AB 2396, but recognized it could not take action at the time; however, the Board President could take an interim position at a later date, if necessary.

**Rulemaking Report – Sarah Conley/Elsa Ybarra**

**(A) Guidelines for Issuing Citations and Imposing Discipline, and Uniform Standards Regarding Substance-Abusing Healing Arts Licensees**

Ms. Conley informed the Board that the Guidelines rulemaking file has been submitted to the Business, Consumer Services, and Housing Agency for review. In addition, since staff is preparing to review all regulations to ensure implementation of the SB 198 provisions, there are no rulemaking files in progress.

**10. Board Communication with PT/PTA Education Programs – Dr. Alviso/Jason Kaiser**

Dr. Alviso presented a briefing paper for the Board to consider increasing Board communication with physical therapy education programs as well as other outreach opportunities to licensees and consumers. Dr. Alviso noted various communication needs the Board addresses and how it may be done more effectively.

Mr. Kaiser explained the Board previously had greater outreach capability; State imposed travel restrictions and limited staffing have impeded more recent outreach opportunities.

The Board, taking public comment, briefly considered outreach options and recommendations such as:

1. Collecting physical therapy education program contacts for email distribution and

- communication;
2. Offer continuing competency credit for licensees to participate in the Board's outreach efforts;
  3. Skype/video conferencing;
  4. FAQs/printed materials from Board;
  5. Email blast;
  6. You Tube how-to/what-not-to-do videos;
  7. Blackboard; and,
  8. Task Force with Occupational Therapy, Speech-Language Pathology and Audiology

Mr. Kaiser noted, in regards to the Board issuing an email blast, some e-mail providers' systems read the Board's e-mail blasts as spam due to the of the number of recipients included in the list and, therefore, block the email from being received by the intended party. Ms. Eleby inquired as to whether the Board members could be a resource for the Outreach program. Mr. Kaiser thanked Ms. Eleby for the offer and said the members, if they would like, could submit their ideas to staff.

**MOTION: Direct staff to continue to explore the need and feasibility of expanding contact with physical therapy education programs and report back at a future meeting.**

**MOVED: Dr. Jewell**

**SECOND: Ms. Eleby**

**VOTE: 7-0 Motion Carried**

#### **11. License Status Types – Dr. Jewell**

Dr. Jewell presented two charts: 1) License Status Types and 2) License Exemptions. The charts broke down in detail each license status type and exemption clarifying various aspects such as how to acquire it, ability to practice/practice restrictions, maintenance requirements (e.g., continuing competency and fee obligations), and length of time the status or exemption may be applied. Dr. Jewell explained with the recent law and regulation changes, she thought it would be a valuable Board discussion to review the license status types and exemptions and identify whether there are areas that need clarification.

The Board discussed its authority over the individuals that may have a license that is in Inactive or Retired status. Ms. Freedman informed the Board that B&P Code § 118 sets forth that the Board may take action on any license that has the potential to be renewed, restored or reinstated.

Dr. Jewell expressed concern regarding the Inactive and Retired status not having an expiration period such as the five-year limit for Delinquent status; the licensee may not be current in the practice for a number of years and would only be required to complete 30 units of continuing competency. Mr. Kaiser explained that Inactive status is intended to allow for

situations such as a licensee who may be practicing in another state, so he or she would be current in the practice upon returning to active status regardless of how long his or her California license was inactive. Ms. Freedman added that, as a professional, the licensee is responsible for only practicing within his or her knowledge, skills and abilities; therefore, the licensee must ensure his or her knowledge, skills and abilities are current before resuming practice.

Dr. Jewell put forth the question whether the Board should move forward with developing regulations. Mr. Kaiser expressed there is a need to assess whether regulation is necessary; however, it may be a little premature to begin drafting regulations at this time.

## **12. Board Member Policy Manual – Sarah Conley**

Ms. Conley presented the Board Member Administrative Manual (Manual) with proposed amendments, which included language that would delegate to staff the authority to make non-substantive and editorial changes to the Manual.

The Board reviewed the proposed changes and discussed additional editorial changes.

The Board requested staff research and bring back to the Board clarification of the ALJ Decisions/Acceptance Standard for ALJ Decisions criteria included under Chapter VI Enforcement and Disciplinary Actions. Mr. Turner noted that Disciplinary Guidelines are not included as one of the criteria, but should be.

**MOTION: Adopt the Board Member Administrative Manual as amended during discussion**

**MOVED: Ms. Wallisch**

**SECOND: Dr. Takii**

**VOTE: 7-0 Motion carried**

**MOTION: Delegate authority to staff to make non-substantive and editorial changes to the Manual**

**MOVED: Dr. Jewell**

**SECOND: Ms. Wallisch**

**VOTE: 7-0 Motion carried**

## **13. Administrative Services Report – Jason Kaiser (A) Budget**

Mr. Kaiser presented the budget report and noted the control measures that were put into

place to ensure funding for the attorney general line item have worked better than expected; the Board may have a reversion at the end of the fiscal year. The Board requested staff reformat the expenditure pie chart to provide a clearer display of the data.

## **(B) Outreach**

Mr. Kaiser presented the outreach report and reminded the Board that the data presented is directly from Facebook and Twitter, but staff is working on analyzing the data from a Board perspective to provide statistics more pertinent to the Board, rather than just general usage statistics. Ms. Eleby requested the data be presented in a line chart to show the change over time.

### **14. Application & Licensing Services Report – Jason Kaiser**

Dr. Jewell questioned the reason for the increase in foreign educated applicants. Mr. Kaiser responded staff does not have a reason as to why there is an increase in foreign educated applicants; however, there has also been an increase in U.S. graduate applicants, which is due to new schools and an increasing demand in the profession. Dr. Takii questioned how many of the licenses issued were to foreign educated applicants. Mr. Kaiser explained that once a license is issued the qualification method is no longer captured for reporting purposes. Dr. Alviso requested staff add the future test dates on exam data tables. Dr. Jewell expressed concern regarding the number of applicants failing the law exam and questioned whether this hinders their ability to work while waiting for the next exam attempt. Mr. Kaiser explained that the law exam is still offered continuously and an applicant does not lose the authorization to work as a license applicant solely based on receiving a failing score on the law exam.

Dr. Jewell questioned why there were two test dates in January. Mr. Kaiser clarified an additional exam date was scheduled to accommodate applicants that were unable to sit for the originally schedule date to extremely severe weather in various areas of the U.S.

### **15. Consumer Protection Services Report – Elsa Ybarra**

Ms. Ybarra presented the Consumer Protection Services program report and noted that some of the processing times are close to or over the established target because some of the enforcement staff is assisting in other areas such as with BreEZe and cashiering. Dr. Alviso asked whether egregious cases are being addressed immediately or with routine cases, which are taking an average of 28 days to be assigned. Ms. Ybarra explained that cases are screened so that more egregious cases are expedited. Dr. Alviso suggested the intake graph reflect this by adding a note to the report.

Dr. Jewell questioned whether the various boards under DCA collaborate to assist each other in improving enforcement processes using the Performance Measure data as a tool to determine the most efficient and effective procedures. Mr. Kaiser explained there is the opportunity at times for that collaboration. However, when the Performance Measures were developed, each board established its own goals considering its own unique requirements and needs, so, when comparing across the boards, the measurements may be accounting for

unequivalent processes.

**16. Public Comment on Items Not on the Agenda**

There was no additional public comment.

**17. Agenda Items for Next Meeting** – August 20-21, 2014  
Department of Consumer Affairs  
Sacramento, CA

**18. Adjournment**

The Board concluded the meeting on Thursday, May 15, 2014 with closed session and adjourned at 12:30 p.m. upon completion of that agenda item.

The Board adopted the May 14 & 15, 2014 meeting minutes at the August 20 & 21, 2014 meeting. The motion and vote are provided below.

**MOTION:** To adopt the draft May 14 & 15 meeting minutes as presented.

**MOVED:** Dr. Takii

**SECOND:** Ms. Eleby

**VOTE:** 6-0 Motion carried



Dr. Debra Alvise, Physical Therapist, Board President

9/17/14

Date