



Physical Therapy Board of California

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

# Physical Therapy Board of California

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## Board Members

### President

Katarina Eleby

### Vice-President

Alicia Rabena-Amen, PT, MPT

### Members

Debra Alviso, PT, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Tonia McMillian

TJ Watkins

## Physical Therapy Board of California Adopted Meeting Minutes

February 8, 2017 9:00 a.m.

University of Southern California  
Sullivan Center, CHP 157  
1540 E. Alcazar Street  
Los Angeles, CA 90033

## Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Sarah Conley, Manager

Brooke Arneson, Associate

Analyst

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

### 1. **Call to Order**

The Physical Therapy Board of California (Board) meeting was called to order by Katarina Eleby at 9:14 a.m. on February 8, 2017.

### 2. **Roll Call and Establishment of a Quorum**

All members were present and a quorum was established. Also present at the meeting were Tara Welch, Legal Counsel; Jason Kaiser, Executive Officer; and Elsa Ybarra, Sarah Conley, Liz Constancio and Brooke Arneson, Board staff.

### 3. **Special Order of Business – February 8, 2017**

#### **(A) Hearing on Petition for Termination of Probation – Sherman Arnest, PT**

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

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

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

**(C) Adjourn Closed Session**

**5. Reconvene Open Session**

**6. Review and Approval of August 24 & 25, 2016 and October 25, 2016 Meeting Minutes**

Due to revisions the Board's legal counsel suggested, the Board deferred the review and approval of the August 24 & 25, 2016 and October 25, 2016 meeting minutes to the May 24 & 25, 2017 meeting.

**7. President's Report**

**(A) 2017 Adopted Meeting Calendar**

Dates and locations were discussed and remain as reflected on the calendar.

**8. Consumer and Professional Associations and Intergovernmental Relations Report**

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

No representatives were present.

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

Ms. Arneson presented the DCA report on behalf of Christine Lally, Deputy Director of Board and Bureau Relations. On January 13, 2017, Governor Brown appointed Jolie Onodera as the Deputy Secretary of Legislation at the Business, Consumer Services and Housing Agency. Board members were reminded of required annual trainings and that DCA's Annual Report is now available on their website.

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

No representatives were present.

**9. Overview of the Attorney General's Legal Process for Disciplinary Actions**

Lori Forcucci, Deputy Attorney General and Gloria Castro, Deputy Attorney General presented an overview of the legal process for disciplinary actions for the Board.

## **10. Executive Officer's Report**

Mr. Kaiser referred members to his report included in the agenda materials. He added that the Board's Sunset Review Hearing before the Legislature would be held on February 27, 2017 and informed the Board members that the hearing would be available online for all members to view. In addition, Mr. Kaiser informed the Board that the third and final Animal Rehabilitation Task Force meeting occurred on February 2, 2017.

## **11. Legislation Report**

### **(A) 2015/16 Legislative Session Summary**

Ms. Arneson referred the members to the legislative summary on the bills included in the agenda materials. Ms. Arneson highlighted that AB 2859, authorizing a retired category of license was chaptered. Ms. Arneson also provided an update that SB 1348, which required boards to post information the Board's Internet Website about the ability of veterans to apply military experience and training towards licensure requirements, was also chaptered.

## **12. Rulemaking Report**

### **(A) 2016 Rulemaking Update**

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

Ms. Arneson referred the Board to the rulemaking tracking form included in the agenda materials and advised on the status. In addition, Ms. Arneson informed the Board that staff are working on additional Section 100 changes (changes without regulatory effect) that would be submitted to OAL in the upcoming months. Ms. Arneson advised the Board that Alexandria Smith-Davis, a new legislation and regulation analyst from DCA, has been assigned to the Board and staff would be meeting with her once a month.

## **13. Administrative Services Report**

### **(A) Budget**

Ms. Constancio summarized the budget report included in the agenda materials and advised the Board that a new budget analyst from DCA, Carl Beermann has been assigned to the Board. In addition, Ms. Constancio presented that the Board collected \$1,549,876 in revenues during Quarter 2, in comparison to \$1,137,928 in Quarter 2 from the previous fiscal year which was a 40% increase in revenue. Ms. Constancio reported that the increase in revenue was due to new licensing fees. Board members asked Ms. Constancio to add an additional column to the budget report to include the percentage of budget expended.

## **(B) Outreach**

Ms. Constancio referred the members to her report included in the materials.

### **14. Application Report**

Ms. Conley provided a handout in supplement to her report included in the materials. She advised the Board that the comparison for Quarter 2 is still using data from two different systems, ATS and Breeze. Ms. Conley relayed that since the last report at the August 2016 meeting, staff resources have increased which has allowed for a realignment of resources to appropriate program designations, Applications or License Maintenance. Ms. Conley also reported that the latest Breeze system updates have been focused on military application processing and data collection as a result of legislation (SB 1348), which included a requirement for boards to ask specific questions relating to military service. She advised the Board that both the online and paper applications have been updated to include these questions.

### **15. Licensing Services Report**

Ms. Conley provided a handout to supplement her report included in the materials. She also reported that staff have initiated continuing competency audit activities and will soon commence conducting the actual audits. Ms. Conley added that staff will be manually processing and tracking audits because the current Breeze functionality does not support the Board's needs; however staff have been working with DCA on a blueprint for automated continuing competency audits.

### **16. Consumer Protection Services Report**

Ms. Ybarra referred the members to the report included in the agenda materials and made note that DCA has been working with all Boards/Bureaus/Committees on revisions to the performance measures in order to enhance the visibility and context of the enforcement process. She reported that in an effort to provide improved transparency, the report has been revised to include additional cycle times involved throughout the enforcement process by breaking down the Performance Measures into sub-Performance Measures.

### **17. Probation Monitoring Report**

Mr. Martin reported that there are currently 97 licensees on probation for various causes from driving under the influence to sexual misconduct and of those 97 licensees on probation, 16 probationers are tolling and not receiving credit toward the completion of probation. Mr. Martin explained that the tolling of probation is due to the probationer residing out of state or if they do reside in California, they are not currently working in the profession. Mr. Martin reported that of the 81 licensees that are not currently tolling, 19

are currently enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program.

## **18. Board Member Training**

### **(A) How to Complete the Form 700**

Ms. Constancio referred the Board to the agenda materials. She provided members with a brief training on how to use the electronic filing system, Netfile, for e-filing Form 700's. She instructed members to please use their DCA email addresses for filing the Form 700 and emphasized that members should use their business information on the Form 700 as the information provided on the form is public. Ms. Constancio informed the Board that should they have any questions regarding filing instructions or training requirements to contact the Board's training coordinator, Araceli Strawmier.

## **19. Public Comment on Items Not on the Agenda**

Mitch Kaye extended an invitation from the California Physical Therapy Association (CPTA) for members to attend the CPTA's Annual Conference in San Diego on September 16-17, 2017.

## **20. Agenda Items for Future Meeting**

The Board discussed adding a possible teleconference meeting to vote on an Interim President and Vice President. The Board indicated it did not have any specific items at this time for the May 24 & 25, 2017 meeting.

## **21. Adjournment**

The Board concluded the meeting on Tuesday, February 8, 2017, and adjourned at approximately 4:54 p.m.