

DECEMBER
12 – 13, 2019
BOARD MEETING

Department of Consumer Affairs
2005 Evergreen St.
Sacramento, CA 95815
Hearing Room



Physical Therapy Board of California

PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St., Suite 1350, Sacramento, California 95815

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

www.ptbc.ca.gov

PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

December 12, 2019 9 a.m.

December 13, 2019 9 a.m.

Department of Consumer Affairs
2005 Evergreen St.
Sacramento, CA 95815
Hearing Room

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

Unless otherwise indicated, all agenda items
will be held in **OPEN SESSION. THE PUBLIC
IS ENCOURAGED TO ATTEND.** Please refer
to the informational notes at the end of
the agenda.

BOARD MEMBERS

Alicia K. Rabena-Amen, PT, DPT, *President*

Katarina Eleby, M.A., *Vice President*

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

Daniel Drummer, PT, DPT, *Member*

Tonia McMillian, *Member*

Vacant, *Physical Therapist Member*

Vacant, *Public Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*

Elsa Ybarra, *Manager*

Liz Constancio, *Manager*

Sarah Conley, *Manager*

Brooke Arneson, *Executive Analyst*



Physical Therapy Board of California



STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

Agenda – Thursday, December 12th

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. **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, subdivisions (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.
4. **Reconvene Open Session**
5. **Review and Approval of September 18-19, 2019 Meeting Minutes** – *Brooke Arneson*
6. **President's Report** – *Alicia Rabena-Amen*
 - (A) **2020 Proposed Meeting Calendar**
 - (B) **2021 Proposed Meeting Calendar**
7. **Executive Officer's Report** – *Jason Kaiser*
 - (A) Administrative Services
 - (B) Applications
 - (C) Licensing/Continuing Competency
 - (D) Consumer Protection Services
 - (E) Outreach
 - (F) PTBC Relocation
8. **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)
9. **Legislation Report** – *Brooke Arneson*
 - (A) **2019/20 Legislative Session Summary**
 - i. **AB 5** (Gonzalez) Worker Status: Independent Contractors
 - iv. **AB 476** (Blanca Rubio) Department of Consumer Affairs: Task Force: Foreign Trained Professionals
 - v. **AB 496** (Low) Business and Professions
 - viii. **AB 1076** (Ting) Criminal Records: Automatic Relief
 - xi. **SB 425** (Hill) Health Practitioners: Licensee's File: Probationary Physicians and Surgeons Certificate: Unprofessional Conduct
 - xii. **SB 537** (Hill) Workers Compensation: Independent Bill Review

10. Rulemaking Report – Brooke Arneson

(A) 2019 Rulemaking Update

- i. Examination Passing Standard/Setting Examination Score
- ii. Guidelines for Issuing Citations and Imposing Discipline, 6th Edition
- iii. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
- iv. 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
- v. Substantial Relationship Criteria
- vi. Rehabilitation Criteria for Denial and Reinstatement of Licensure
- vii. Rehabilitation Criteria for Suspensions and Revocations

11. Discussion and Possible Board Action on the 2020 Rulemaking Calendar – Brooke Arneson

12. Maximus Presentation – Virginia Matthews, RN, BSN, MBA, Project Manager, Maximus

13. Physical Therapy Student Question and Answer Forum

14. Elimination of the Printed Pocket License- Discussion and Possible Board Action – Sarah Conley

15. 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).)

16. Recess

Agenda – Friday, December 13th

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

17. Call to Order - 9:00 a.m.

18. Roll Call and Establishment of Quorum

19. Board Member Training – Adjudication Process – Michael Kanotz, DCA Legal Counsel

20. 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, subdivisions (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.

21. Reconvene Open Session

22. Administrative Services - Discussion and Possible Board Action

- (A) [Budget Report](#) – Carl Nelson
- (B) [Outreach Report](#) – April Beauchamps
- (C) Presentation of Services – Carl Nelson, Brooke Arneson, Kim Rozakis, April Beauchamps, Timothy Davis and Julie Thao

23. Application Services - Discussion and Possible Board Action – Valerie Kearney, Paul Harrison, Teresa Gutierrez, Angel Ottley, Eura Trent

- (A) Program Updates
- (B) [Statistical Reports](#)
- (C) Presentation of Services

24. Licensing Services - Discussion and Possible Board Action – Justin Silva, Eura Trent

- (A) Program Updates
- (B) [Statistical Reports](#)
- (C) Presentation of Services

25. Continuing Competency Services - Discussion and Possible Board Action – Veronica Gutierrez and Yasha Crutcher

- (A) Program Updates
- (B) [Statistical Reports](#)
- (C) Presentation of Services

26. Consumer Protection Services - Discussion and Possible Board Action – Carole Phelps

- (A) Program Updates
- (B) [Statistical Reports](#)
- (C) Presentation of Services

27. Probation Monitoring Services - Discussion and Possible Board Action – Monny Martin

- (A) Program Updates
- (B) [Statistical Reports](#)

28. Board Member Elections

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

29. 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).)

30. Agenda Items for Future Meeting –

March 26-27, 2020
University of St. Augustine
700 Windy Point Drive
San Marcos, CA 92069

31. 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 physically 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.

Roll Call
DCA Evergreen Hearing Room, Sacramento CA

December 12, 2019

	Present	Absent
Alicia Rabena-Amen, PT, DPT, President		
Katarina Eleby, Vice-President		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Tonia McMillian		

December 13, 2019

	Present	Absent
Alicia Rabena-Amen, PT, DPT, President		
Katarina Eleby, Vice-President		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Tonia McMillian		



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR GAVIN NEWSOM

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

Internet: www.ptbc.ca.gov



1

Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Vacant, Public Member

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby, M.A.

Tonia McMillian

Vacant, Professional Member

Physical Therapy Board of California

DRAFT Meeting Minutes

September 18, 2019

9:00 a.m.

September 19, 2019

9:00 a.m.

Carrington College

Room 403

395 Civic Drive, Suite C

Pleasant Hill, CA 94523

Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Executive

Analyst

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

5

6

Wednesday, September 18, 2019

7

8

1. Call to Order

9

10

The Physical Therapy Board of California (Board) meeting was called to order by President Dr. Rabena-Amen at 9:02 a.m. and recessed at 4:07 p.m. on September 18, 2019. The Board reconvened at 9:01 a.m. and adjourned at 11:34 a.m. on September 19, 2019.

11

12

13

14

15

2. Roll Call and Establishment of Quorum

16

17

Dominguez- Present

18

Drummer – Present

19

Eleby – Present

20

McMillian – Present

21

Rabena-Amen - Present

22

23

All members were present, and a quorum was established. Also present at the meeting were: Michael Kanotz, DCA Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Liz Constancio, Sarah Conley, Brooke Arneson, April Beauchamps, Kim Rozakis and Timothy Davis.

24

25

26

27

28

Ms. Eleby 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

29

30 Act.

31
32 **3. Closed Session**

33 (A) Pursuant to Government code section 11126(c)(3), the Board will convene to
34 Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative
35 Procedure Act Proceedings

36 (B) Pursuant to Government code section 11126(a)(1), the Board will convene to
37 Consider the Evaluation of Performance of the Executive Officer.

38 (C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A), the
39 Board will convene to confer with, or receive legal counsel regarding pending litigation
40 when discussion in open session concerning those matters would prejudice the position
41 of the state body in the litigation.
42

43 The Board entered closed session on day one, September 18, 2019, at 11:08 a.m.
44

45 **4. Reconvene Open Session**

46
47 The Board reconvened into open session at 12:57 p.m. on day one, September 18,
48 2019.
49

50 **5. Review and Approval of June 20-21, 2019 Meeting Minutes – Brooke Arneson**

51
52 Ms. Arneson presented the draft June 2019 meeting minutes on day one, September
53 19, 2019, of the meeting. Ms. Eleby asked that the school names be spelled out in the
54 outreach report on page 19 of the meeting minutes. Dr. Drummer also suggested
55 adding San Francisco State University to the University of San Francisco in the
56 outreach report as it is a joint PT program. Dr. Rabena-Amen complimented staff on
57 the meeting minutes. Ms. Eleby added that the meeting minutes captured the Board
58 meeting in detail and were helpful.
59

60 **MOTION:** Adopt the proposed June 20-21, 2019, Meeting Minutes as
61 amended.
62

63 **M/S:** Eleby/Dominguez
64

65 **VOTE:** Dominguez- Aye
66 Drummer – Aye
67 Eleby – Aye
68 McMillian – Aye
69 Rabena-Amen - Aye
70 5-0 Motion carried

71
72 **6. Legislation Report – Brooke Arneson**
73 (A) 2019/20 Legislative Session Summary
74

75 Ms. Arneson presented the legislative report and provided the members with important
76 dates from the legislative calendar. Ms. Arneson referred the members to the legislative
77 summary in the meeting materials and discussed the current status and changes to
78 each bill since the last Board meeting as follows.
79

80 i. AB 5 (Gonzalez) Worker Status: Independent Contractors
81

82 Ms. Arneson stated that AB 5 was amended since the meeting materials were
83 distributed and the bill with amendments from September 6, 2019, in the Senate
84 was presented to the Governor on September 18, 2019. Ms. Arneson updated
85 members on the recent Senate amendments which included proposed fiscal
86 impacts of the bill. Dr. Drummer stated that this bill would impact licensees of the
87 Board and asked PTBC staff what preparation was being done internally to field
88 phone calls from licensees asking how to navigate this new law should it be signed.
89 Mr. Kaiser responded that even with the introduction of the language, PTBC staff
90 have already started to receive questions regarding this bill and stated that the best
91 guidance PTBC staff could provide licensees is to seek their own legal counsel.
92

93 ii. AB 476 (Blanca Rubio) Department of Consumer Affairs: Task Force: Foreign
94 Trained Professionals
95

96 Ms. Arneson reported that this bill was amended in the Senate on September 6th
97 and would be headed to the Governor soon. Ms. Arneson updated members on the
98 recent Senate amendments. Dr. Rabena-Amen asked who the task force members
99 would be or where they would be from. Mr. Kaiser responded that all the Boards
100 and Bureau's within DCA who have a foreign trained application process will be
101 represented in the task force so the Board will be involved once DCA gets the task
102 force running should this bill be signed.
103

104 iii. AB 496 (Low) Business and Professions
105

106 Ms. Arneson reported that this bill was amended in the Senate on September 6th
107 and would be headed to the Governor soon. Ms. Arneson updated members on the
108 recent Senate amendments.
109

vi. AB 613 (Low) Professions and Vocations: Regulatory Fees

Ms. Arneson reported there was no update on this bill and that the hearing was postponed on July 1, 2019, by the Senate Business and Professions Committee.

vii. AB 1076 (Ting) Criminal Records: Automatic Relief

Ms. Arneson reported that this bill was amended in the Senate on August 30th and would be headed to the Governor soon. Ms. Arneson updated members on the recent Senate amendments.

viii. SB 53 (Wilk & Lackey) Open Meetings

Ms. Arneson reported that there were no additional updates on this bill and that it was held under submission in the Assembly Appropriations Committee on August 30, 2019.

xi. SB 425 (Hill) Health Practitioners: Licensee's File: Probationary Physicians and Surgeons Certificate: Unprofessional Conduct

Ms. Arneson reported that this bill was amended in the Assembly on September 11th and would be headed to the Governor soon. Ms. Arneson updated members on the recent Senate amendments. Dr. Drummer asked if there is a penalty to the institution that does not report unprofessional conduct. Mr. Kaiser responded that the institution is supposed to report any kind of discipline or investigations of their employees to a National Practitioners Databank that the Medical Board and several other healthcare boards rely on which has been an issue. Mr. Kaiser added that this bill gives the Medical Board of CA more support for a mandate they already have for mandatory reporting.

xii. SB 537 (Hill) Workers Compensation: Independent Bill Review

Ms. Arneson stated that the Board has a support position on this bill and a copy of that letter was included in the meeting materials. Ms. Arneson reported that this bill was amended in the Assembly on September 6th and would be headed to the Governor soon. Ms. Arneson updated members on the recent Senate amendments. Dr. Drummer asked if the Board would be sending a letter to the Governor echoing the Board's support on this bill and Ms. Arneson responded that staff would be sending the Board's support letter to the Governor.

Ms. Arneson reported to the Board that the California Legislative Website has a new Position Letter Portal which allows the Board to upload their support and opposition letters and staff can submit those letters electronically to the author, chairs of committees and additional legislative staff members.

7. Rulemaking Report

(A) 2019 Rulemaking Update – Brooke Arneson

i. Examination Passing Standard/Setting Examination Score

Ms. Arneson reported that in June 2019 the rulemaking package was forwarded to DCA Legal for review.

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

Ms. Arneson reported that modified proposed language was adopted at the June 2019 meeting the Board approved modified proposed language and in June 2019 the rulemaking package was forwarded to DCA Legal for review. Ms. Arneson added that PTBC staff have been working with DCA legal counsel on the initial rulemaking package documents so that can be submitted formally to DCA legal for approval.

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

Ms. Arneson reported that at the June 2019 meeting the Board approved modified proposed language and in July 2019 the rulemaking package was forwarded to DCA Legal for review.

iv. 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

Ms. Arneson reported that PTBC staff have been working on the initial rulemaking documents and we will be forwarding to DCA legal for review by the end of September.

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 Substantial Relationship Criteria, Rehabilitation Criteria for Denial, Reinstatement of Licensure, and Rehabilitation Criteria for Suspensions and Revocations were necessitated by the passage of AB 2138. Ms. Arneson reported that DCA legal provided PTBC staff with suggested amendment to the initial rulemaking documents on September 3rd and staff are in the process of making those amendments and will resubmit the rulemaking file back to DCA legal by the end of September.

Ms. Arneson stated that PTBC staff are researching and determining necessity for all other items listed on the rulemaking tracking form and that hopefully staff will be presenting proposed language on the additional rulemaking items at the upcoming Board meetings for Board consideration.

Mr. Kanotz, DCA legal counsel for the Board, added that DCA legal has been prioritizing the Disciplinary Guidelines and the rulemaking package necessitated by the passage of AB 2138 (Chapter 995, Statutes of 2018) and that DCA legal will be working with PTBC staff on the additional rulemaking files by the December Board meeting.

8. President's Report

(A) 2019 Adopted Meeting Calendar

Dr. Rabena-Amen stated that the Board is set to meet in Sacramento for the December 12-13, 2019 Board meeting.

(B) 2020 Proposed Meeting Calendar

Mr. Kaiser stated that PTBC staff have proposed a change in the Board meeting sequence for Sacramento and Southern California travel in 2020 to accommodate for more student attendance at PT and PTA schools and asked for the Board to consider amending the 2020 calendar to reflect Southern California in March 2020; Sacramento in June 2020; Bay Area in September 2020 and Sacramento in December 2020.

Dr. Rabena-Amen pointed out that the 2020 Board meetings on the road would be held on Wednesday/Thursday and the Sacramento home meetings would be held on Thursday/Friday.

9. Executive Officer's Report

(A) Administrative Services

(B) Applications

(C) Licensing/Continuing Competency

227 **(D) Consumer Protection Services**

228 Mr. Kaiser reported that the Board's Administrative Services unit has filled its Office
229 Technician vacancy and the new employee will be starting September 23rd. Mr. Kaiser
230 stated that the Continuing Competency Program will be recruiting for two full-time staff
231 services analyst positions, which is a first for the Board, as the staff that are in the
232 Continuing Competency Program have been lent from the Applications and Licensing
233 Services Unit. Mr. Kaiser stated that during the first quarter of 2020; the Board will start
234 the recruitment for the Assistant Executive Officer.

235
236 **(E) Outreach**

237
238 Mr. Kaiser reported that the Board has made significant progress in its outreach to
239 educational programs future applicants and schools and stated that by the end of 2019
240 the Board will have conducted outreach for 11 out of 16 California DPT programs, and 6
241 out of 16 PTA programs. Mr. Kaiser shared that the intent is to have contact with every
242 graduating class.

243
244 Mr. Kaiser reported that the Board has also presented to the Northern California Clinical
245 Education Consortium and on November 7, 2019, the Board will be presenting to the
246 Southern California Intercollegiate Academic Clinical Coordinators Council.

247
248 Mr. Kaiser stated that in August 2019, the Board presented at an in-service for the
249 University of California, Los Angeles (UCLA), to 60-70 PT's and PTA's and this
250 presentation was webcast to over 100 PTA's watching from their clinical hospitals. The
251 Board is working on trying to make this presentation an annual event. Mr. Kaiser
252 added that this presentation opened the door to the Board working with the UC
253 Director's forum which could pave the way for the Board to work with the University of
254 San Francisco and UC Davis in the future.

255
256 Mr. Kaiser reported that in 2020 the Board will also be presenting to a few different
257 chapters of the California Physical Therapy Association (CPTA); including an invitation
258 from the Fresno Chapter. Mr. Kaiser stated that the Board's greatest outreach
259 challenge is trying to find these same resources to reach out to the consumers.

260
261 **(F) PTBC Relocation**

262
263 Mr. Kaiser reported that the new lease has been signed and the Board is starting the
264 construction phase. The Board is staying in the existing building and moving upstairs
265 along with eight other DCA boards. Mr. Kaiser stated that staff will be meeting with

DCA and the Department of General Services as well as the California Prison Industry Authority; which is the provider of cubicle furniture.

Dr. Drummer suggested that the Board be given a tour of the new office space at the December 2019 meeting.

10. Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer

Ms. Eleby reported on behalf of the Exempt Level Increase Committee (Committee). Ms. Eleby stated that the Executive Officer's (EO) salary study that was conducted by DCA, was very timely and the Committee can incorporate those findings into their request.

Ms. Constancio, Administration Services Manager, presented the materials for the exempt level change request; which included updates for fiscal years 2017/18 and 2018/19. Mr. Kaiser added that most of the information that was given to the consultant for the EO salary study came from the Board's previous exempt level increase requests. Mr. Kaiser added that incorporating the consultant's statement of opinion from the study regarding imbalance would be helpful in the Board's request package. Ms. Constancio suggested adding the statement of opinion from the consultant to either the cover memo or the background information so that the Board includes the information most relevant to the request.

Ms. Constancio stated that the Board has a draft letter that mimics the previous letter the Board included in their request with updated data and she walked the Board through the attachments of the exempt level increase request package including an exempt level salary chart.

Dr. Rabena-Amen solicited the Board for their feedback on whether the documents presented provided with Board with enough information to move forward with pursuing the exempt level increase request. The Board agreed they were comfortable moving forward with the request and amended the draft letter and agreed to incorporating the consultant's statement of opinion for the EO salary study into the request to add another third-party opinion to justify the Board's decision.

Mr. Kaiser added that former Committee member, TJ Watkins, had a conference with Sonya Logman, former Deputy Secretary of Business and Consumer Relations of the Business, Consumer Services and Housing Agency (BCSH) to further understand the

approval process past DCA. Mr. Kaiser informed the Board that Ms. Logman has since moved on to the Governor's Office, and it was Mr. Watkins intent to make the same connection with the Lila Mirrashidi, the new Deputy Secretary of Business and Consumer Relations, at BCSH to find out what their perspective is on these requests as it relates to DCA. Dr. Rabena-Amen added that Ms. Mirrashidi attended the EO salary study meeting and heard the Board's concerns and frustrations. Ms. Eleby stated that the Committee can arrange a meeting with Ms. Mirrashidi once the exempt level increase request is finalized.

The Board amended the EO Exempt Level Change Request Draft Memo (PTBC 9/20/19) to include the consultant's statement of opinion from the EO salary study, update the statistical data in the letter and directed staff to make any necessary nonsubstantive changes. Dr. Rabena-Amen stated she would work with staff and proofread the letter prior to signing it.

MOTION: Vote in support of the PTBC staff to work with DCA and the Office of Human Resources and appropriate agencies in obtaining an exempt level change that is appropriate to the PTBC's EO position allocation and organization structure and to revise the cover letter addressed to Nicole Le to make nonsubstantive changes as mentioned by the Board in this previous conversation.

M/S: Eleby/Drummer

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

11. Consumer and Professional Associations and Intergovernmental Relations Reports

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

Ms. Eleby reported that she and Mr. Kaiser attended the Leadership Issues Forum meeting in July where it was revealed that FSBPT was discontinuing Aptitude, ProCert and oPTion programs because they were not sustainable or financially viable. Mr. Kaiser added that FSBPT's intention is to look at the new continuous professional development model and establish new guidelines for the boards to follow.

Mr. Kaiser reported that the Board will not be able to attend the delegate assembly scheduled in October at Oklahoma City, Oklahoma due to enacted legislation in 2016, AB 1887. California has a prohibition against state sponsored travel or state representative travel to any states that have discriminatory laws on the books and unfortunately traveling to Oklahoma City would be a violation of law. Mr. Kaiser added that the next delegate assembly meeting is rumored to be in Southern California next year.

Dr. Rabena-Amen asked if there was any discussion regarding the members survey. Mr. Kaiser responded that FSBPT mentioned they would be using the survey to formulate programming in the future.

Ms. Eleby reported on the licensure compact updates and stated that there are 26 states where legislation has been enacted; however only 15 states are issuing compact privileges; with Louisiana being the most recent and they began issuing in July 2019. Mr. Kaiser added that Washington is issuing compact privileges now too.

(B) Department of Consumer Affairs (DCA) – Executive Office

Mr. Kaiser read a written update on behalf of Karen Nelson, Assistant Deputy Director of Board and Bureau Services.

Ms. Nelson reported that it was Assistant Deputy Director, Patrick Lee's last day with DCA on Friday, September 6, 2019, and he has accepted a position as a consultant with the Assembly Business and Professions Committee and she stated they look forward to working with Mr. Lee in his new capacity at the state capital.

Ms. Nelson reported that Deputy Director Chris Shultz hosted the DCA Quarterly meeting on June 3rd and during this meeting he communicated his commitment to ensure a smooth transition as the Governor's office continues to search for a new DCA Director. Mr. Shultz encouraged executive officers and bureau chiefs to send ideas regarding cross-cutting projects where new leadership and the administration can focus. Ms. Nelson reported that the next director's quarterly meeting is scheduled for October 16th at DCA's HQ2 building from 1:30 to 3 pm.

Ms. Nelson reported that on July 8, 2019, the Executive Officers Salary Study was distributed to the executive officers and board presidents and in addition the Executive Office hosted a meeting to discuss the findings of the study on July 12, 2019. She

385 thanked Dr. Rabena-Amen and Mr. Kaiser for attending the meeting and for meeting
386 last month to discuss the program specific findings from the study.

387
388 Ms. Nelson reported that 2019 is a Mandatory Sexual Harassment Training year for
389 DCA which means all employees and Board members are required to complete this
390 training.

391
392 Ms. Nelson updated the Board that the application deadline for the third cohort of the
393 Future Leadership Development Program was August 13, 2019, and the kickoff meeting
394 will be held in September. She relayed that DCA looks forward to announcing program
395 participants at the next Board meeting and thanked Mr. Kaiser for his commitment in
396 this program by participating in the steering committee.

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

398
399
400 Ms. Stacy DeFoe, CPTA Executive Director, reported that CPTA took a support if
401 amended position on AB 5 and asked that physical therapists be one of the health care
402 providers exempt from the Dynamex requirements. Ms. DeFoe stated that this
403 exemption is necessary for access to care for consumers. Ms. DeFoe added that
404 physical therapists require flexibility to work in situations that may not require full-time
405 employment but require contracting work, for example: in home services, specialty
406 services, and working in schools.

407
408 Ms. DeFoe shared that CPTA has joined with a coalition of other health care providers
409 who were not exempted from AB 5; including nurses, occupational therapists, speech
410 language pathologist and several other health care providers, who would also like to be
411 exempt from the bill. Ms. DeFoe stated that exempting physical therapists was
412 mentioned when the bill was on the floor however the suggested amendment was not
413 accepted. Ms. DeFoe added that CPTA would like to come back in the next legislative
414 session with other health care providers and work separately to request an exemption
415 for physical therapists.

416
417 Ms. DeFoe reported that CPTA is sponsoring SB 537; which addresses the workers
418 compensation system, and this bill is waiting to be engrossed and enrolled and will be
419 on its way to the Governor's desk. Ms. DeFoe stated that CPTA is happy with the
420 outcome of the bill and thanked the Board for their support position on the bill. Dr.
421 Rabena-Amen added that the transparency in this bill is a big win for providers and
422 consumers.

Ms. DeFoe reported that the Government Affairs Committee will meet in November 2019 and will look at other areas in payment, building on the momentum gained from SB 537 and it will also look at dry needling.

Ms. DeFoe reminded the Board that CPTA's Annual Conference is coming up in October 12-13, 2019, in Las Vegas, NV. Dr. Rabena-Amen asked if the Tri-State Conference is a trial event or will it be carried forward to future CPTA annual meetings and Ms. DeFoe responded that it is a trial run and CPTA already has the dates and locations already worked out for the annual conference for the next few years.

12. Board Member Training – Travel Procedures

PTBC staff, Mr. Davis and Ms. Rozakis presented a presentation on travel procedures to the Board.

13. Physical Therapy Student Question and Answer Forum

Physical Therapy Assistant students from Carrington College, Pleasant Hill, CA, participated in a question and answer forum with the Board regarding the regulation and practice of physical therapy in California.

14. 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).]

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

15. Recess

The Board recessed at 4:07 p.m. on the first day of the meeting, Wednesday, September 18, 2019.

Thursday, September 19, 2019

16. Call to Order

The Board reconvened at 9:01 a.m. and adjourned at 11:34 a.m. on day two, September 19, 2019.

463
464 **17. Roll Call and Establishment of Quorum**

465
466 Dominguez- Present
467 Drummer – Present
468 Eleby – Present
469 McMillian – Present
470 Rabena-Amen - Present
471

472 All members were present, and a quorum was established. Also present at the meeting
473 were: Michael Kanotz, DCA Legal Counsel; Jason Kaiser, Executive Officer; Elsa
474 Ybarra, Liz Constancio, Sarah Conley, Brooke Arneson, April Beauchamps, Kim
475 Rozakis and Timothy Davis
476 Dr. Dominguez read the Board's mission statement: To advance and protect the
477 interests of the people of California by the effective administration of the Physical
478 Therapy Practice Act.
479

480 **18. Closed Session**

481 (A) Pursuant to Government Code section 11126(c)(3), Deliberation on Disciplinary
482 Actions and Decisions to be Reached in Administrative Procedure Act Proceeding
483

484 (B) Pursuant to Government Code section 11126(a)(1), the Board will convene to
485 Consider the Evaluation of Performance of the Executive Officer.
486

487 (C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A), the
488 Board will convene to confer with, or receive legal counsel regarding pending litigation
489 when discussion in open session concerning those matters would prejudice the position
490 of the state body in the litigation.
491

492 The Board did not enter into closed session on Day Two, September 19, 2019, of the
493 Meeting.
494

495 **19. Reconvene Open Session**

496
497 The Board did not enter into closed session on Day Two, September 19, 2019, of the
498 Meeting.
499

500 **20. Strategic Plan Update – Jason Kaiser**

501
502 Mr. Kaiser reported that PTBC's management staff with the assistance of facilitators
503 from DCA's SOLID training program developed an action plan based on the strategic

plan the Board worked on and adopted. Mr. Kaiser added that the action plan lists out PTBC's goals and objectives and identifies major tasks and assigns responsibilities to specific parties and establishes expected due dates to measure progress. Mr. Kaiser stated that the action plan itself is a living document and all goals are a work in progress and a require an ongoing assessment and revaluation.

Mr. Kaiser stated he is proud of the Board's progress thus far and shared a few important highlights. Mr. Kaiser stated that the enforcement goal objectives 1.2 staff have collected workload data and is prepared a package in pursuit of position authority for an additional probation monitor. Mr. Kaiser reported that for objective 1.3, the Board has begun a collaborative effort with DCA's Division of Investigation and the Attorney General's Office to develop a training for investigators on PT cases and hopes to hold in the latter part of 2020.

Mr. Kaiser shared that for licensing goal number 2.2, the Board was successful in obtaining position authority for two additional continuing competency positions. In addition, for objectives 2.3 and 2.4, the Board's outreach efforts have shown to be effective in informing educational programs of the application requirements which has improved the quality of the applications received. Mr. Kaiser added to address objective 2.4, application and licensing staff have shifted a great deal of the workload from paper to BreEZe through the electronic portal. This includes applications, renewals, name changes, address changes, duplicate requests and endorsement requests, which creates a great deal of efficiency for the Board and for the licensing population.

Mr. Kaiser reported that on goal 3: communication education, significant progress has been made in each of the objectives which were reported under the EO report and will be addressed in the outreach report.

Mr. Kaiser stated that for goal 4: organizational effectiveness: to address objective 4.1, PTBC staff is excited to be moving to a new space and all the objectives will benefit from this. Mr. Kaiser added that staff will have the space needed to spread out and realize the efficiencies we do not appreciate given the confines of our existing space.

Mr. Kaiser reported that PTBC staff are in the process of improving the quality of our procedure manuals which is extremely important for training and attrition. Dr. Rabena-Amen asked where the procedural manuals are located, and Mr. Kaiser responded that traditionally they are binders at each cubicle; however, as the Board

is now moving toward the electronic form, they reside on the shared drive so all staff members can reference them.

Dr. Rabena-Amen asked if there were any areas in the strategic plan that staff are having a challenging time addressing. Mr. Kaiser responded that outreach efforts to increase communication to consumers has been a challenge as it's difficult to find the vehicles to reach out to them to make them aware of the Board's role and how we can assist them with physical therapy services as there is no incentive for consumers to participate.

21. Pocket License – Discussion and Possible Board Action – Sarah Conley

Ms. Conley presented on the issue whether the PTBC should continue to issue a pocket license. Ms. Conley stated that the reason for issuing a pocket license is to provide a way for the license to be verified and at one time, this was the only way to verify a license aside from contacting PTBC. Ms. Conley added that now, online verification is more reliable and discipline information is available online that is not identified on the pocket license.

Ms. Conley shared she spoke with the Board of Registered Nursing and they have already eliminated the pocket license to address the issue of not having current verification. Ms. Conley added that the Board of Vocational Nursing and Psychiatric Technicians have also eliminated the pocket license and they did an outreach campaign to notify their stakeholders.

Ms. Conley stated PTBC staff recommend the Board vote in favor of eliminating the pocket license and adopt paperless licensing because it facilitates access to accurate license information for consumers and all stakeholders; it is environmentally conscious; and it would provide for a significant cost savings to the Board.

Ms. Eleby asked when sending out the hard copy pocket license if it is returned to the Board as undeliverable; does that prompt staff to reach out to that licensee to update their mailing address and Ms. Conley responded that staff do attempt to contact the licensee. Ms. Eleby asked whether it is a lost opportunity to contact the licensee if the Board is no longer mailing out pocket licenses and Ms. Conley agreed that it was. Dr. Drummer clarified is it the licensee's renewal notice, or the pocket license that is returned to the Board, and Ms. Conley responded that it is both. Mr. Kaiser added that during online transactions in BreZze, a licensee is given the opportunity to update their contact and address information. Mr. Kaiser stated that the Board receives the initial notice of renewal, the delinquent notice and the pocket license back in the mail if the address is incorrect.

Dr. Rabena-Amen asked Ms. Conley approximately how many pocket licenses the Board get returned and Ms. Conley replied that most of the returned mail is the renewal notices and the delinquent notices; which means that the licensee is fixing an outdated address before it gets to the pocket license process. Ms. Conley stated that a flag is put on the file if returned mail is received back to the Board for a licensee.

Ms. Conley stated that the three options for Board consideration regarding the pocket license are: eliminating the pocket license; obtaining additional information as discussed at the meeting and bring the item back to a future meeting; or continuing to issue the pocket license.

Dr. Drummer stated what prompted him to ask for this discussion was his own experience in monitoring the license population at the hospital where he works and that the Occupational Therapy Board beginning January 2019, started issuing a different type of license that does not have a signature on it; it just has the licensees name, the type of license and an expiration date. Dr. Drummer stated he would like to see a licensee have access online where they could print their license, similar to insurance companies who are now providing insurance cards online and not mailing them out. Mr. Kaiser pointed out the alternative to the pocket license is the requirement to wear a nametag so there is a benefit to the consumer as well by asking licensees to identify themselves with name tags as opposed to conspicuously posting that wallet license somewhere in the practice where all patients can see it.

Dr. Drummer stated he would like to take some time to discuss the idea of eliminating the pocket license with licensees and the Board can discuss it again at the December 2019 meeting. Mr. Kaiser agreed with Dr. Drummer on the idea of having today's discussion as a starting point and agenda this item at the December 2019 meeting to allow for stakeholders' comments and input. Mr. Kanotz, DCA legal counsel, added that there is no regulation or statute that would be required to be changed for the Board to eliminate the pocket license. Mr. Kanotz stated that BPC 164 provides that the form and content of any license certificate or permit is part of the duties of the Director of DCA; so, the Board could potentially issue a letter to the Director of DCA to eliminate the pocket license and it could be accomplished via a motion by the Board.

Ms. Rebecca Cheema, a PTA in Nevada who is seeking licensure in California, stated that she believed it was a great forward movement in eliminating the pocket license and having it available online and it would be very efficient, effective and eliminates some of the returns of lost mail.

Ms. Eleby agreed with Dr. Drummer and shared that she thought it best if the Board agendaize this item for the December meeting so that all stakeholders have an opportunity to provide comment before the Board takes action. In addition, Ms. Eleby asked PTBC staff to provide budget data at the December meeting regarding the cost savings to the Board. Mr. Kaiser added that the most significant cost savings would

630 be in the printing and mailing line items of the budget. Mr. Kaiser stated that staff
631 could reach out to CPTA on this issue to see if they could help with data compilation.
632 Ms. Conley suggested having the December agenda item clearly read “eliminating
633 the pocket license” for clarity and the Board agreed.
634

635 Rebecca Doberg, PT Program Director at Carrington College stated that she was in
636 favor of getting rid of the pocket license; and it would be nice to download and print a
637 license online because that is one of the documentation pieces that the accreditor
638 looks at when looking at faculty members and what is provided to CAPTE through the
639 reaccreditation process.
640

641 Mr. Kanotz, DCA legal counsel, added that the Board of Registered Nursing and
642 Board of Vocational Nursing and Psychiatric Technicians created a FAQ document
643 on their website that if an employer asked for a license, they could provide the FAQ
644 which discussed the fact that the pocket license is no longer available, and the
645 BreZE version should be used. Dr. Rabena-Amen suggested staff present
646 members at the December meeting with a suggested plan for the Board to consider
647 removing the pocket license.
648

649 **22. Administrative Services – Discussion and Possible Board Action – Liz Constancio**

650 *(A) Budget Report – April Beauchamps* 651

652 Ms. Beauchamps directed members to the expenditure report for quarter 4, (FY
653 2018/19) and stated that the Board is overspending its temporary help line item, in
654 the Personnel Services which is due to the Board not having an allocated budget for
655 that line item. Ms. Beauchamps stated that the Board is within budget in the
656 operating expenses and overall the Board is projecting \$127,081 to revert back into
657 the fund. Ms. Beauchamps referred members to the three-year milestone
658 expenditure report included in the materials and stated that the personnel services
659 expenditures have steadily increased since FY 2016/17 and the Operating Expenses
660 and Equipment expenditures have decreased which is attributed to the DOI
661 investigations which have decreased since 2016/17.
662

663 Ms. Eleby asked if the attorney general rates increase every year and Mr. Kaiser
664 responded that there is a significant unanticipated increase this year to all DCA's
665 Boards and Bureaus however, the Board will be able to manage the impact.
666

667 Ms. Constancio added that the fund condition will change and probably decrease with
668 the costs from the move and that the fund condition will be updated and provided to
669 the Board at the end of the fiscal year. Mr. Kaiser added that the fund condition does
670 not account for the initial one-time move costs that the Board will need to expend,

and these costs include construction, build out, new cubicle furniture etc. Mr. Kaiser added that the Board still has the Architecture Revolving Fund (ARF) \$400,000 set aside to help with the moving costs and helps with the fund condition and cost savings however it is not enough to sustain the costs of the move. Ms. Eleby asked that the ARF fund condition be provided to the Board members at future Board meetings.

(B) Outreach Report – *April Beauchamps*

Ms. Beauchamps reported that the Board's website had an 8% decrease for quarter 4 (FY 2018/19), with the laws section having the most significant decrease at 20% compared to prior fiscal year. Ms. Beauchamps stated that the reason for the decrease on the laws tab is due to more outreach being done at schools where the laws and regulation books are being handed out and QR codes are being given to the students, so they access the laws and regulations through downloading the pdf instead of using the website page.

Ms. Beauchamps stated that the forms page had the second largest decrease of 19% and this is due to the Board going green and removing the forms and directing users to use BreEZe and stated that his will continue to drop as forms are removed from the website.

Ms. Beauchamps reported that the publications page had a significant increase of 68% due to the most recent newsletter, Facebook and Listserv directing users to the publications page.

Ms. Beauchamps reported that there was an 18% decrease in the traffic for Facebook which was caused by posts not being linked between Twitter and Facebook. She added that staff are in the process of obtaining software that will link all the Board's social media platforms.

Ms. Beauchamps reported that PTBC attended the DCA Licensing Fair at West Hills College in Lemoore on April 12, 2019. She added that PTBC staff also did school presentations at Casa Loma College on April 25, 2019, California State University Northridge on April 26, 2019, and Sacramento City College on May 13, 2019. Ms. Beauchamps stated that PTBC attended 15 outreach events for fiscal year 2018/19 which included schools and licensing events and PTBC has visited 12 out of the 32 PT/PTA programs (38%) in California and the goal is to visit all PT/PTA programs in California by the end of the strategic plan.

Dr. Rabena-Amen asked what the school responses were from the Spring Newsletter and Ms. Beauchamps responded that some schools that the Board has yet to visit, have contacted the Board requesting outreach presentations. Ms. Beauchamps added that the Board has gotten a lot of great feedback on the Spring Progress Notes (Newsletter) and the newsletter contained an article about hosting a Board meeting and schools have already contacted the Board wanting to host a Board meeting.

Dr. Rabena-Amen asked about the next newsletter and Ms. Beauchamps responded that the next newsletter is scheduled for the end of October 2019. PTBC Staff have sent the articles over to DCA's Publications Design and Editing and there will be an article from a probationer, an article on the benefits of attending a Board meeting and an article on continuing competency. Ms. Beauchamps added that in future newsletters, student feedback from outreach events will be included.

Dr. Rabena-Amen asked if there was an opportunity to incorporate consumer perspective into the Board's newsletter. Mr. Kaiser responded yes, the Board always makes an effort to incorporate consumer perspective into the newsletter and that recently, PTBC staff have reached out to DCA's Public Affairs for a consumer outreach piece regarding a famous actor's experience with physical therapy in California.

Ms. Eleby added that it is amazing to see how much the Board's outreach has expanded and grown during her time on the Board.

23. Application Services – Discussion and Possible Board Action – Sarah Conley

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

Ms. Conley reported that in fiscal year 2017/18 and 2018/19, Quarter 4, data in the statistical report was inadvertently switched. Ms. Conley reported that online application has been the focus and the data illustrates that most applicants are applying online which is attributed to increased outreach efforts as well as updated application information provided on the Board's website.

Dr. Rabena-Amen asked how the increase in online applications have affected staff and Ms. Conley responded that staff within the Application Services Program really appreciate the efficiencies from the online application process because an applicant can enter in their personal information online and staff are able to focus on evaluating the application vs. data entry.

751
752 Dr. Rabena-Amen asked if staff are receiving more complete applications as a result of
753 the Board's increased outreach and Ms. Conley responded that yes, the Board's
754 increased outreach efforts have had a huge benefit on the quality of the applications
755 because applicants can navigate the entire process better; they know what to expect,
756 what's coming and what they need to do. Ms. Conley added that staff are receiving less
757 phone calls and emails due to increased outreach efforts and additional application
758 information being provided online. Ms. Conley stated that having a designated contact
759 for outreach has been helpful because they are able to serve as a liaison between the
760 schools and the Board.

761
762 Dr. Rabena-Amen stated that foreign educated applications online are also increasing
763 and asked how they are informed of the online process. Ms. Conley responded that
764 many foreign educated applicants call the Board prior to applying for clarification on the
765 application process and staff directs them to BreEZe for online application. Ms. Conley
766 added that online renewals account for most of License Maintenance transactions at
767 83% and that online usage for name changes, address changes and duplicate requests
768 are not as prevalent.

769
770 **24. Licensing Services – Discussion and Possible Board Action – Sarah Conley**

- 771
772 (A) Program Updates
773 (B) Statistical Reports
774

775 Ms. Conley stated that the license status data was added back into the statistical report.
776 She reported that the data does not show a significant increase in online usage for each
777 year, however it does show a gradual increase for each transaction type.
778

779 **25. Continuing Competency Services – Discussion and Possible Board Action –**
780 *Sarah Conley*

- 781
782 (A) Program Updates
783 (B) Statistical Reports
784

785 Ms. Conley reported that continuing competency audits are being reported on for
786 Quarter 3 (FY 2018/19) since the audit sample is pulled at the beginning of a quarter for
787 licensees who renewed in the previous quarter. Ms. Conley added that the types of
788 courses, and the sources of continuing competency credits for licensees will be added
789 to the meeting materials Continuing Competency reports for future Board meetings. Mr.
790 Kaiser added that the difference between traditional and alternative pathway will be
791 easier for the Board to track.
792

793 Dr. Rabena-Amen asked what happens when a licensee, during an audit, submits a
794 certificate for a continuing competency course that is not a Board approved course or

795 from a Board approved vendor and Mr. Kaiser responded that each audit is looked at on
796 a case-by-case basis to determine if the licensee has met the intent of the statute
797 because the Board does not want to discourage a licensee from taking valuable content
798 just because that particular provider has not also applied for recognition in California, he
799 added that PTBC staff will look at the course to see if its substantially compliant and if it
800 is, the licensee will receive continuing competency credit for it.

801
802 **26. Consumer Protection Services – Discussion and Possible Board Action– *Elsa***
803 ***Ybarra***

- 804
805 (A) Program Updates
806 (B) Statistical Reports
807

808 Ms. Ybarra referred members to the CPS report and reported that for 2018/19 the Board
809 has remained consistent throughout the year and at this time, no concerns or major
810 increases or decreases are anticipated in the Board's goals or performance measures.

811
812 Ms. Ybarra stated there were 50 anonymous complaints for 2018/19 and due to the lack
813 of information the Board receives, it can be challenging to pursue the complaint. Ms.
814 Ybarra added that CPS staff can get creative in gathering and obtaining information
815 regarding anonymous complaints so that the Board can send them to the Division of
816 Investigation (DOI) for a more thorough investigation; however, DOI does have their
817 own requirements that the Board must meet in order to submit complaints for a formal
818 investigation. Ms. Ybarra stated that she has been working with PTBC staff member
819 Vincent Azar on the online complaint form to make it more user friendly. Ms. Ybarra
820 added that the online complaint form can be overwhelming and complex.

821
822 Ms. Ybarra reported that staff have been working on business rules within the BreZE
823 complaint records to increase efficiency by adding an alert that will notify the analyst if
824 the complaint record needs to be corrected or additional codes added.

825
826 Dr. Rabena-Amen asked if the Board receives complaints more frequently from
827 consumers, staff, employers, or licensees. Ms. Ybarra responded that the Board
828 receives complaints from consumers, staff, employees, licensees and other licensed
829 individuals. Mr. Kaiser added that during outreach opportunities to licensees, they are
830 encouraged to help the Board fulfill its mandate of consumer protection by reporting
831 concerns to the Board and if a licensee is going to remain anonymous when filing a
832 complaint, to provide as much information and detail as possible so that the complaint
833 can be investigated thoroughly. Ms. Ybarra added the number of complaints received
834 has decreased.

835
836 **27. Probation Monitoring Services – Discussion and Possible Board Action – *Monny***
837 ***Martin***
838

- (A) Program Updates
(B) Statistical Reports

Mr. Ybarra reported on behalf of Mr. Martin and stated the probation averages remain consistent and Mr. Martin has been traveling a great deal more so he can interview each probationer at least once a year.

28. Board Member Elections

(A) Vice-President

NOMINATION: Ms. McMillian nominated Dr. Dominguez as Board Vice-President.

NOMINEE: Dominguez

MOTION: To elect Dr. Dominguez as Board Vice-President.

M/S: McMillian/Rabena-Amen

Dr. Dominguez accepted the nomination.

NOMINATION: Dr. Dominguez nominated Dr. Drummer as Board Vice-President.

NOMINEES: Drummer

MOTION: To elect Dr. Drummer as Board Vice-President.

M/S: Dominguez/Eleby

Dr. Drummer declined the nomination.

NOMINATION: Dr. Drummer nominated Ms. Eleby as Board Vice-President.

NOMINEE: Eleby

MOTION: To elect Ms. Eleby as Board Vice-President.

M/S: Drummer/Dominguez

Ms. Eleby accepted the nomination.

VOTE:

Dominguez- Eleby

Drummer – Eleby

Eleby – Dominguez

McMillian – Eleby

Rabena-Amen - Dominguez

3-2 in favor of Ms. Eleby/Motion carried

29. 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).]

882 Rebecca Doberg, PT Program Director at Carrington College expressed her
883 appreciation to the Board for visiting Carrington College and stated that it was very
884 informative for herself and the students.
885

886 **30. Agenda Items for Future Meeting –**

887
888 December 12-13, 2019
889 DCA Hearing Room
890 2005 Evergreen Street, Sacramento, CA
891

892 Ms. Eleby requested an agenda item to further discuss whether the PTBC should
893 continue to issue pocket licenses be added to the December 2019 meeting.
894

895 Dr. Dominguez asked for a presentation from the Board's legal counsel on the roles
896 of the Administrative Law Judge, DAG and Counsel, the overlap and separation of
897 the Board and how the pieces play together in the adjudication process. Mr. Kaiser
898 responded that this has already been scheduled for the December 2019 meeting.
899

900 Mr. Kaiser added that agenda items requested from members from the previous
901 meeting will be added to the December 2019 meeting with the president's approval.
902

903 **31. Adjournment**

904
905 The meeting adjourned at 11:34 a.m.

Physical Therapy Board of California

Proposed 2020 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	2	3	4							1	1	2	3	4	5	6	7				1	2	3	4
5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14	5	6	7	8	9	10	11
12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21	12	13	14	15	16	17	18
19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28	19	20	21	22	23	24	25
26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31					26	27	28	29	30		

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

January							February							March							April						
1	New Year's Day						12-15	APTAC Sections Meeting Denver, Colorado						25-26	PTBC Meeting Univ of St. Augustine San Marcos, CA						7	PTA NPTE					
9	PTA NPTE																				12	Easter					
20	Martin Luther King Jr						17	President's Day													28	PT NPTE					
29	PT NPTE													28	CPTA Student Conclave Azusa Pacific University												
														31	César Chávez Day												

May							June							July							August						
10	Mother's Day						TBD	FSBPT REG Training Alexandria, VA						4	Independence Day												
25	Memorial Day													8	PTA NPTE												
							4-7	APTAC NEXT Phoenix, AZ						TBD	FSBPT LIF Alexandria, VA												
							21	Father's Day						28-29	PT NPTE												
							25-26	PTBC Meeting Sacramento, CA																			

September							October							November							December						
7	Labor Day						2-4	CPTA Annual Meeting Anaheim, CA						TBD	FSBPT Annual Meeting						10-11	PTBC Meeting Sacramento, CA					
16-17	PTBC Meeting Gurnick Academy San Mateo, CA						6	PTA NPTE						11	Veteran's Day												
							27	PT NPTE						26	Thanksgiving						25	Christmas					
							31	Halloween																			

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
					1	2		1	2	3	4	5	6		1	2	3	4	5	6					1	2	3
3	4	5	6	7	8	9	7	8	9	10	11	12	13	7	8	9	10	11	12	13	4	5	6	7	8	9	10
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						
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	1	2	3	4	5	6	7
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						
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						1	2		1	2	3	4	5	6				1	2	3	4
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
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 Azusa Pacific University Azusa, CA						6	PTA NPTE					
6	PTA NPTE						24-27	APTA Sections Meeting Orlando, FL													TBD	CPTA Student Conclave TBD					
18	Martin Luther King Jr													31	César Chávez Day						4	Easter					
26	PT NPTE																				28	PT NPTE					

May							June							July							August						
9	Mother's Day						TBD	FSBPT REG Training						4	Independence Day												
31	Memorial Day							TBD						6	PTA NPTE												
							3-6	APTA NEXT Phoenix, AZ						TBD	FSBPT LIF Alexandria, VA												
							20	Father's Day						27&28	PT NPTE												
							24-25	PTBC Meeting Sacramento, CA																			

September							October							November							December						
6	Labor Day						TBD	CPTA Annual Meeting						TBD	FSBPT Annual Meeting						9-10	PTBC Meeting Sacramento, CA					
15-16	PTBC Meeting TBD Bay Area, CA						6	PTA NPTE						11	Veteran's Day						25	Christmas					
							27	PT NPTE						25	Thanksgiving												
							31	Halloween																			

Agenda Item 7 – Executive Officer's Report
Will be Provided as an Oral Report at the December Board Meeting



Briefing Paper

Date: November 13, 2019

Agenda Item 9(A)

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Legislation Report

Purpose:

To provide an update on the 2019/20 Legislative session.

Attachments:

1. [2019 Legislative Calendar](#)
2. [Definition of the Board's Legislative Positions](#)
3. [2019/20 Legislative Summary](#)

Background and Update:

The 2019 Legislative calendar is included in the meeting materials for your reference, along with a copy of the Board's Legislative positions taken from the PTBC's Board Member Administrative Manual.

As noted on the calendar, October 13th was the last day for the Governor to sign or veto bills passed by the Legislature before September 1st and in the Governor's possession after September 13th. All statutes will take effect January 1, 2020.

In addition, a 2019/20 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.

2019 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK

October 31, 2018 (revised)

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
					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		

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

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

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

- Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 7

Legislature **reconvenes** (J.R. 51(a)(1)).
- Jan. 10

Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 21

Martin Luther King, Jr. Day.
- Jan. 25

Last day to submit **bill requests** to the Office of Legislative Counsel
- Feb. 18

Presidents’ Day.
- Feb. 22

Last day for **bills to be introduced** (J.R. 61(a)(1)), (J.R. 54(a)).
- Mar. 29

Cesar Chavez Day observed.
- Apr. 11

Spring recess begins upon adjournment of this day’s session (J.R. 51(a)(2)).
- Apr. 22

Legislature **reconvenes** from Spring recess (J.R. 51(a)(2)).
- Apr. 26

Last day for **policy committees** to hear and report to **fiscal committees** **fiscal bills** introduced in their house (J.R. 61(a)(2)).
- May 3

Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).
- May 10

Last day for **policy committees** to meet prior to June 3 (J.R. 61(a)(4)).
- May 17

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 3 (J.R. 61(a)(6)).
- May 27

Memorial Day.
- May 28-31

Floor Session Only.
No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).
- May 31

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

*Holiday schedule subject to Rules committee approval.

2019 TENTATIVE LEGISLATIVE CALENDAR
COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK
October 31, 2018 (revised)

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

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

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

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

[Jun. 3](#) Committee meetings may resume (J.R. 61(a)(9)).

[Jun. 15](#) **Budget Bill** must be **passed by midnight** (Art. IV, Sec. 12(c)(3)).

[Jul. 4](#) Independence Day.

[Jul. 10](#) Last day for **policy committees** to hear and report **fiscal bills** to **fiscal committees** (J.R. 61(a)(10)).

[Jul. 12](#) Last day for **policy committees** to meet and report bills (J.R. 61(a)(11)). **Summer recess** begins upon adjournment of this day’s session, provided Budget Bill has been passed (J.R. 51(a)(3)).

[Aug. 12](#) **Legislature reconvenes** from Summer recess (J.R. 51(a)(3)).

[Aug. 30](#) Last day for **fiscal committees** to meet and report bills to Floor (J.R. 61(a)(12)).

[Sep. 2](#) Labor Day.

[Sep. 3-13](#) **Floor Session Only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(a)(13)).

[Sep. 6](#) Last day to **amend bills on the floor** (J.R. 61(a)(14)).

[Sep. 13](#) Last day for **each house to pass bills** (J.R. 61(a)(15)). **Interim Study Recess** begins upon adjournment of this day’s session (J.R. 51(a)(4)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2019

[Oct. 13](#) Last day for Governor to sign or veto bills passed by the Legislature on or before Sep. 13 and in the Governor’s possession after Sep. 13 (Art. IV, Sec.10(b)(1)).

2020

[Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).

[Jan. 6](#) 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 5](#)

Worker Status: Employees and Independent Contractors

Author: Gonzalez (D)

Status: Chaptered by Secretary of State on 9/18/19. Chapter 296, Statutes of 2019
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 codifies the decision of the California Supreme Court in *Dynamex Operations West, Inc v. Superior Court of Los Angeles (2018)* that presumes a worker is an employee unless a hiring entity satisfies a three-factor test (A) the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact, (B) the worker performs work that is outside the usual course of the hiring entity's business, and (C) the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity. This bill also exempts from the test certain insurance and real estate occupations, physicians, securities broker-dealers, direct salespersons, hair stylists and barbers, and those performing work under a contract for professional services, as specified.

[AB 476](#)

DCA: Task Force: Foreign-Trained Professionals

Author: Blanca Rubio (D)

Status: Vetoed on 10/12/19. Governor's Veto Message: *"I am returning Assembly Bill 476 without my signature. This bill would require the Department of Consumer Affairs to create a task force to study the licensing of foreign-trained professionals and create a report for the Legislature. Integrating foreign-trained professionals into California workforce is an admirable goal. However, creating a new task force and a legislative report to accomplish that goal is unnecessary."* – Gavin Newsom

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 the Department of Consumer Affairs (DCA) to create a task force as specified. This taskforce will study and make recommendations to improve foreign degree evaluation processes for professional licenses. DCA would have the authority to hold public hearings to gather information. DCA would be required to report their recommendations to the Legislature no later than January 1, 2021.

[AB 496](#)

Business and Professions

Author: Low (D)

Status: Chaptered by Secretary of State on 9/27/19. Chapter 351, Statutes of 2019
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 is a code clean-up effort, intended to correct and update provisions of the BPC, which includes granting the authority to all appointing authorities the ability to remove an appointee of any board for cause, as specified. This bill additionally replaces gendered terms with gender-neutral language throughout the code in accordance with ACR 260 (Low, Chapter 190, Statutes of 2018). It is the author's stated intent that this

2019/20 Legislative Summary

Quarterly Report (Q1) (July - Sept 2019/20)

Agenda Item 9

vehicle be used for further technical changes and noncontroversial adjustments to the BPC throughout the current session.

AB 1076

Criminal Records: Automatic Relief

Author: Ting (D)

Status: Chaptered by Secretary of State on 10/8/19. Chapter 578, Statutes of 2019

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 DOJ to review the records in statewide criminal justice databases on a monthly basis to identify arrest and criminal conviction records that are eligible for "record relief" and to grant relief for eligible records without requiring a petition, as specified.

SB 425

Health Care Practitioners: Licensee's File: Probationary Physician's and Surgeon's Certificate: Unprofessional Conduct

Author: Hill (D)

Status: Chaptered by Secretary of State on 10/12/19. Chapter 849, Statutes of 2019

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 requires a health care facility or other entity with an arrangement authorizing a licensed health care provider to provide care, such as a college student health center, to report allegations of sexual abuse and sexual misconduct, as specified, and makes changes to the disciplinary and enforcement provisions for the Medical Board of California.

SB 537

Workers' Compensation: Treatment and Disability

Author: Hill (D)

Status: Chaptered by Secretary of State on 10/8/19. Chapter 647, Statutes of 2019

Position: Support

[Letter of Support to Governor](#)

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

Requires third-party networks that arrange physician and ancillary medical services for employers, but that do not qualify as "Medical Provider Networks" (MPNs) as that phrase is used in the Labor Code, to disclose to employers "rate sheets" that show the discounted prices paid to providers and makes several additional amendments to the laws governing MPNs.



October 1, 2019

The Honorable Gavin Newsom
Governor of California
1303 10th Street, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom,

The Physical Therapy Board of California (Board), at its June 2019 meeting, adopted a Support position on SB 537 which prohibits medical provider networks from operating under poor utilization management and claims billing policies while promoting administrative transparency.

The Board recognizes that this bill increases transparency in the availability of medical providers available to injured workers; prohibits a medical provider network from altering treatment plans of physicians, physical therapists and other providers without their permission; and provides clarity that discounting agreements for services by medical providers cannot fall below applicable Medicare payments.

The Board is mandated by Business and Professions Code Section 2602.1 that the Board's highest priority is to protect the public. The provisions outlined in SB 537 seek to stop medical provider networks from limiting access to quality and convenient care for California consumers; therefore, the Board is in Support of SB 537.

Thank you on behalf of the Board for your thoughtful consideration of SB 537.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JK' followed by a horizontal line.

Jason Kaiser
Executive Officer

cc: Senator Jerry Hill, Business, Professions and Economic Development Committee
Dennis Cuevas-Romero, Deputy Director, Division of Legislative Affairs,
Department of Consumer Affairs



Briefing Paper

Date: November 13, 2019

Agenda Item 10(A)

Prepared for: PTBC Members

Prepared by: Brooke Arneson

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. 2019 Rulemaking Update
2. Rulemaking Processing Timelines

Background:

At the November 2018 meeting, the Board adopted the 2019 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 2018 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.

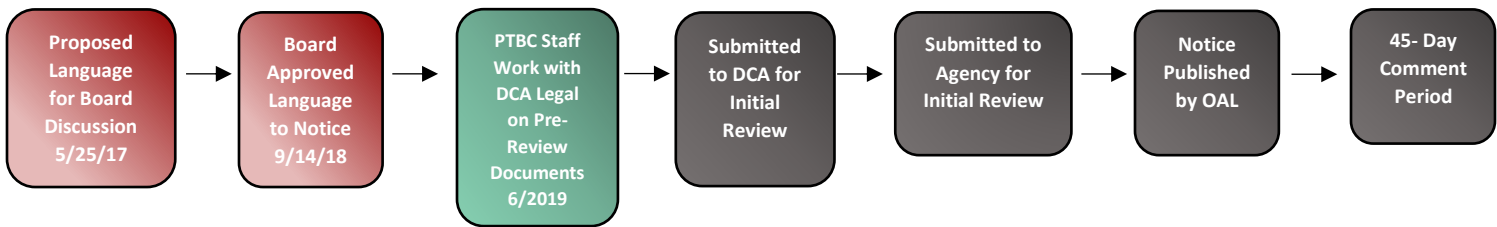
Action:

No action is requested on presentation of the rulemaking report.

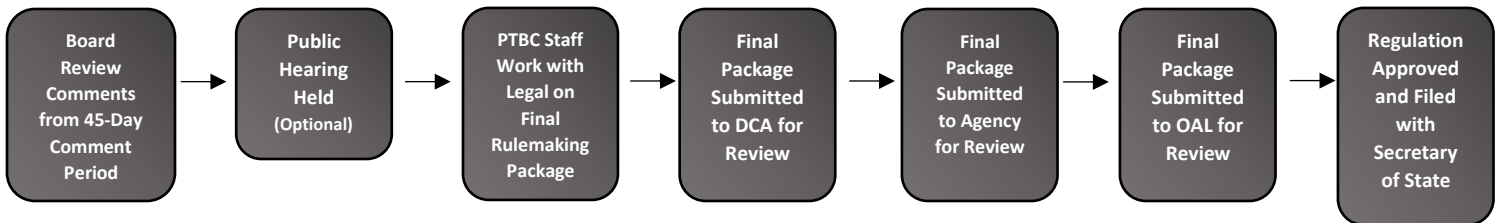
2019 Rulemaking Update

Examination Passing Standard/ Setting Examination Score

Initial Phase:



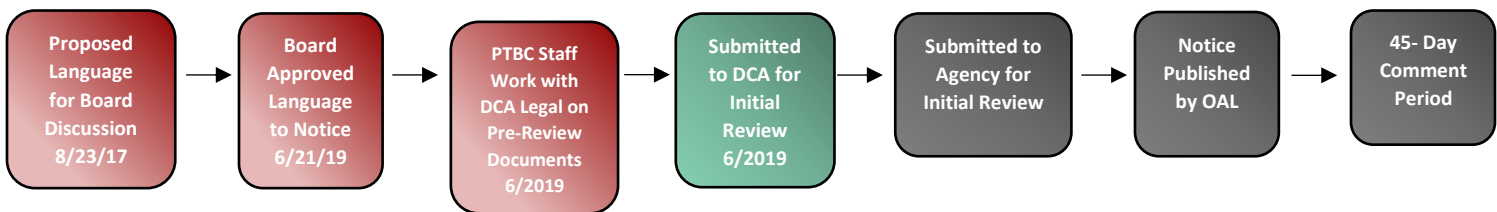
Final Phase:



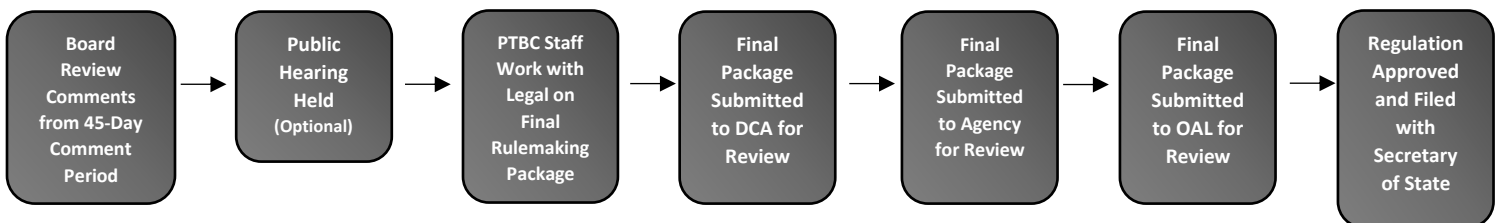
Notes: This regulation proposes to amend CCR 1398.28, Article 2, Division 13.2 of Title 16 to establish a passing score for the National Physical Therapy Examinations. Proposed regulatory language was presented at the May 2017 Board Meeting. The Board approved the proposed language and directed PTBC staff to initiate the formal rulemaking process. While finalizing the initial rulemaking package, DCA legal proposed revisions to the approved proposed language. Modified proposed language was presented for Board consideration at the September 2018 Board meeting and the Board approved the modified proposed language and directed PTBC staff to initiate the formal rulemaking process. In June 2019, PTBC staff forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review.

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

Initial Phase:



Final Phase:



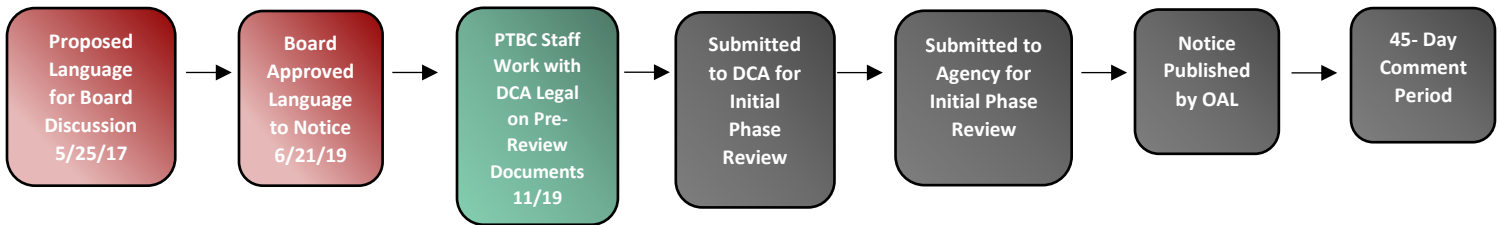
Notes: This regulation proposes to amend CCR 1399.15, Article 13, Division 13.2 of Title 16 to incorporate by reference the 6th Edition Disciplinary Guidelines (Revised June 2019) replacing the 5th Edition Disciplinary Guidelines (Revised December 2013). Proposed regulatory language was presented at 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.

Green: Current Status Burgundy: Completed Gray: Remaining Steps in the Regulation Process

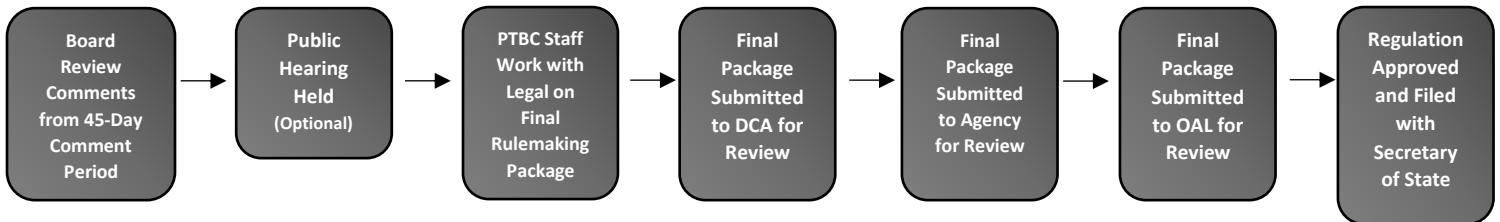
2019 Rulemaking Update

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

Initial Phase:



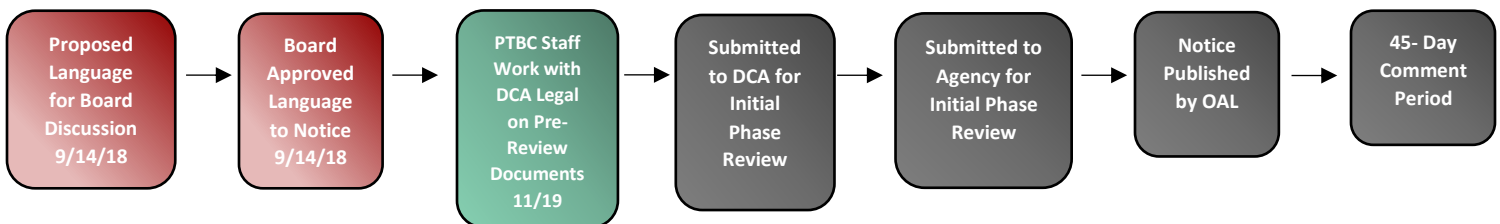
Final Phase:



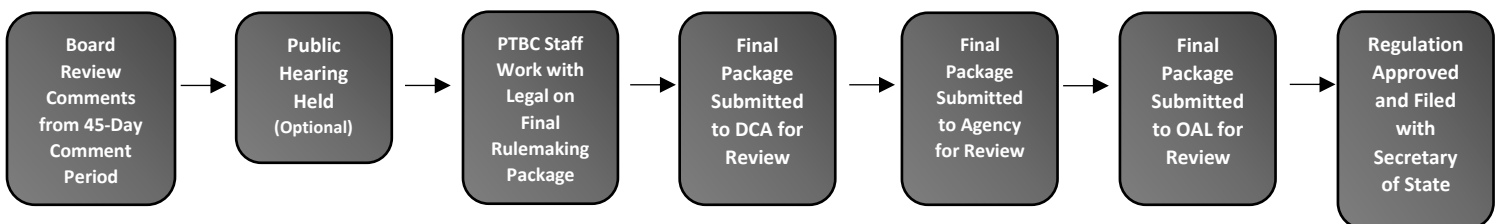
Notes: This regulation proposes to amend CCR 1398.26.1, Article 2, Division 13.2 of Title 16 to restructure the Coursework Tools (CWT's) into an outline format for reading ease; adds CWT 6; provides the general rule for PTs in subdivision (b); addresses the acceptance of CWT 6 in subdivision (c), adds the PTA provision in subdivision (d) and incorporates the CWT's by reference in subdivision (e). Proposed regulatory language was presented at the May 2017 Board Meeting. The Board identified concerns regarding the proposed regulatory language; those concerns included: who makes the determination on which CWT is used to evaluate credentials, CWT 5 didn't have an end date at the time the language was proposed, and the exact revision date of the CWT 6 wasn't available at the time language was proposed. PTBC staff researched the concerns identified and 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.

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

Initial Phase:



Final Phase:



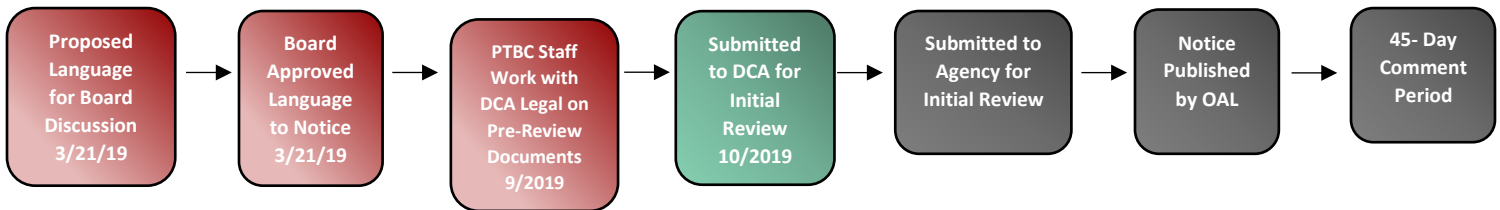
Notes: This regulation proposes to amend CCR 1398.26.5, Article 2, Division 13.2 of Title 16. This proposed regulation will allow supervising physical therapists the option to utilize FSBPT's Supervised Clinical Practice Performance Evaluation Tool (PET) for evaluating a physical therapist license applicant 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 forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review.

Green: Current Status Burgundy: Completed Gray: Remaining Steps in the Regulation Process

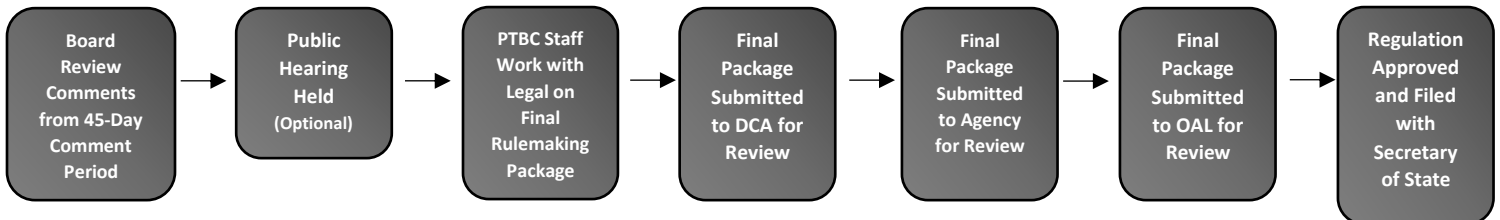
2019 Rulemaking Update

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

Initial Phase:



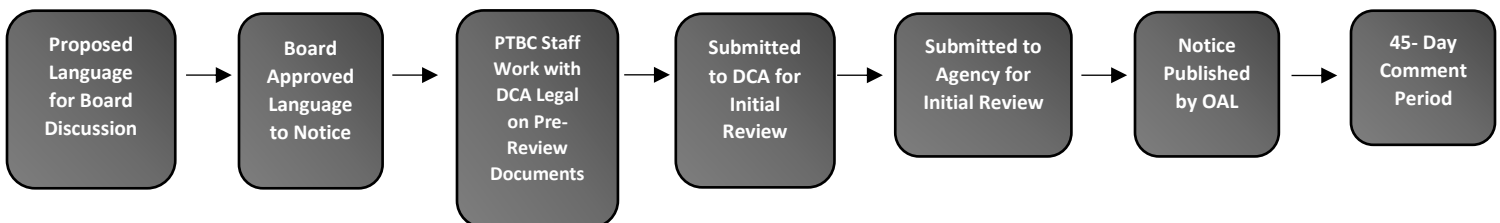
Final Phase:



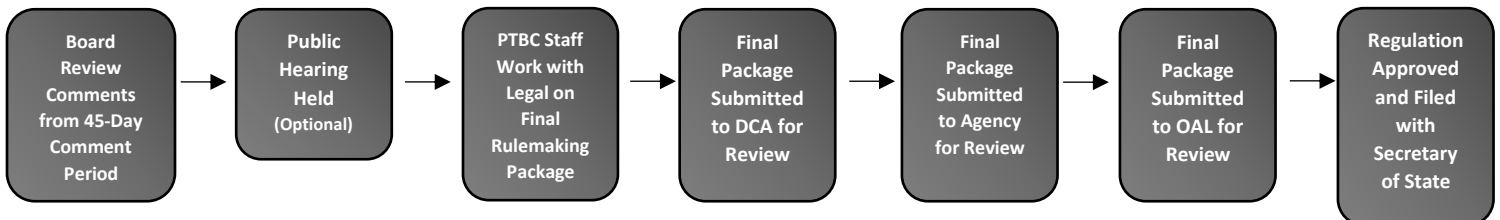
Notes: This regulation proposes to amend CCR 1399.20, 1399.21 and 1399.22, Article 8, Division 13.2 of Title 16. AB 2138 (Chiu, Chapter 995, Statutes of 2018) requires that the Board promulgate regulations by July 1, 2020 to implement, interpret and make specific BPC Sections 141, 480, 481, 482, 488, 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. 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. DCA Legal provided Board staff with their 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.

Continuing Competency

Initial Phase:



Final Phase:



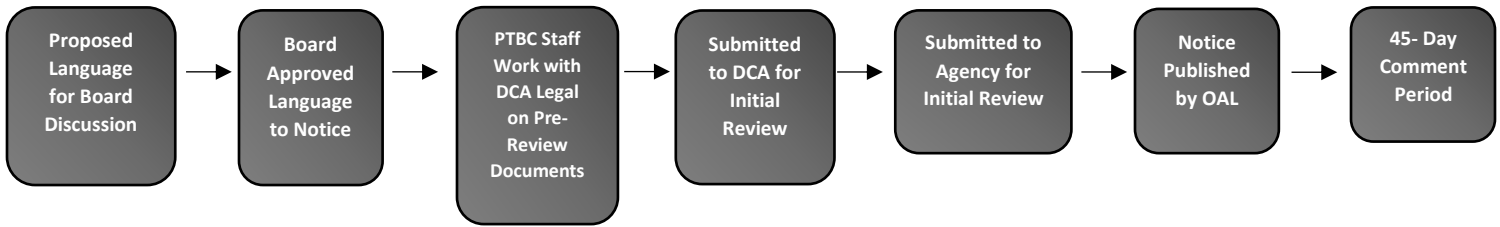
Notes: This regulation proposes to amend CCR 1398.20 – 1398.28, and 1390 – 1399, Article 13, Division 13.2 of Title 16. Placed on the 2019 Rulemaking Calendar that was adopted at the Board meeting on December 5, 2018. PTBC staff are in the process of researching and developing proposed language for consideration by the Board at a future meeting date.

Green: Current Status Burgundy: Completed Gray: Remaining Steps in the Regulation Process

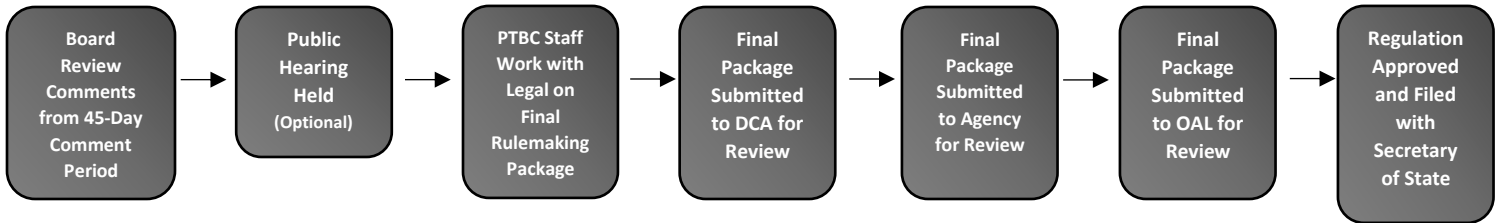
2019 Rulemaking Update

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 2019 Rulemaking Calendar that was adopted at the Board meeting on December 5, 2018. PTBC staff are in the process of researching and developing proposed language for consideration by the Board at a future meeting date.

Green: Current Status Burgundy: Completed Gray: Remaining Steps in the Regulation Process

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: November 13, 2019

Agenda Item 11

Prepared for: PTBC Members

Prepared by: Administrative Services

Subject: 2020 Rulemaking Calendar

Purpose:

To introduce the proposed 2020 Rulemaking Calendar.

Attachments: 1. [Proposed 2020 Rulemaking Calendar](#)

Background:

Government Code (GC) § 11017.6 requires all agencies annually submit a calendar of anticipated regulatory changes and the timeframe in which they expect to submit those changes. This allows OAL to prepare for anticipated workload in the coming year. Therefore, at each November meeting, the Board adopts a proposed Rulemaking Calendar. The Rulemaking Calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website: http://www.oal.ca.gov/Notice_Register.htm

Board staff has been reviewing all regulations under Division 13.2 of Title 16 of the California Code of Regulations to identify regulations in need of amending or repealing. From this review, staff is proposing the attached rulemaking to be added to the 2020 Rulemaking Calendar.

Action Requested:

To adopt the 2020 Rulemaking Calendar as required by Government Code (GC) § 11017.6.

PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2020 RULEMAKING CALENDAR

SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2019

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

PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2020 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2019

Subject: Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool		CCR Title & Sections Affected: Title 16 Section 1398.26.1 Article 2 of Division 13.2		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2653	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:			
		Notice Published: 4/2020	Public Hearing: TBD	Adoption by your agency: 6/2020	To OAL for review: 2/2021

Subject: Examination Passing Standard/Setting Examination Score		CCR Title & Sections Affected: Title 16 Section 1398.28 Article 2 of Division 13.2		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2636	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:			
		Notice Published: 4/2020	Public Hearing: TBD	Adoption by your agency: 6/2020	To OAL for review: 2/2021

Subject: Clinical Service Requirements for Foreign Educated Applicants		CCR Title & Sections Affected: Title 16 Section 1398.26.5 Article 2 of Division 13.2		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2653	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:			
		Notice Published: 4/2020	Public Hearing: TBD	Adoption by your agency: 6/2020	To OAL for review: 2/2021

PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2020 RULEMAKING CALENDAR

Subject: Disciplinary Guidelines		CCR Title & Sections Affected: Title 16 Section 1398.20-1398.28, 1390-1399 Article 13 of Division 13.2		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2660	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:			
		Notice Published: 2/2020	Public Hearing: TBD	Adoption by your agency: 2/2020	To OAL for review: 5/2020

Subject: License Renewal Exemptions: Retired License Status		CCR Title & Sections Affected: (Added) 1399.57 Article 10 Division 13.2 of Title 16		Statute(s) Being Implemented: Business and Professions Code (BPC) section 2648.7	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:			
		Notice Published: 10/2020	Public Hearing: TBD	Adoption by your agency: 12/2020	To OAL for review: 5/2021

Subject: Substantial Relationship Criteria		CCR Title & Sections Affected: 1399.20 Article 8 Division 13.2 of Title 16		Statute(s) Being Implemented: Business and Professions Code (BPC) section 481, 493	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:			
		Notice Published: 2/2020	Public Hearing: TBD	Adoption by your agency: 2/2020	To OAL for review: 5/2020

PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2020 RULEMAKING CALENDAR

Subject: Rehabilitation Criteria for Denial and Reinstatement of Licensure		CCR Title & Sections Affected: 1399.21 Article 8 Division 13.2 of Title 16		Statute(s) Being Implemented: Business and Professions Code (BPC) section 482	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916)561-8260	Projected Dates:			
		Notice Published: 2/2020	Public Hearing: TBD	Adoption by your agency: 2/2020	To OAL for review: 5/2020

Subject: Rehabilitation Criteria for Suspensions and Revocations		CCR Title & Sections Affected: 1399.22 Article 8 Division 13.2 of Title 16		Statute(s) Being Implemented: Business and Professions Code (BPC) section 482	
Responsible Agency Unit: Administrative Services	Contact Person & Phone Number: Brooke Arneson (916) 561-8260	Projected Dates:			
		Notice Published: 2/2020	Public Hearing: TBD	Adoption by your agency: 2/2020	To OAL for review: 5/2020

PHYSICAL THERAPY BOARD OF CALIFORNIA
PROPOSED 2020 RULEMAKING CALENDAR

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

Review and/or Update of Application and Licensing Regulations

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

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

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

Status: Establishing Exam Scores Included on the 2020 Rulemaking Calendar.

Continuing Competency

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

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

License Renewal Exemptions: Retired License Status

CCR Section(s) Affected: Title 16, Division 13.2, Article 10, Section(s) 1399.5

Status: Included on the 2020 Rulemaking Calendar.

Unprofessional Conduct

CCR Section(s) Affected: Title 16, Division 13.2, Article 8, Section(s) 1399.24

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

**Agenda Item 14 - Elimination of the Printed Pocket License
Will be Provided as a Handout at the December Board Meeting**



Briefing Paper

Date: November 5, 2019

Agenda Item 20(A)

Prepared for: PTBC Members

Prepared by: Carl Nelson

Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activities for Jul-Sep (Q1), CY 2019-20.

Attachments: [1. Budget Report](#)

Background:

The PTBC Budget Report 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).

FY 2019-20, according to the Governor's Budget, the PTBC is authorized \$5,215,000 which includes personnel services, operating expenses and equipment, and 25.1 positions to support program requirements.

Analysis:

The Personnel Services Budget is \$2,454,000, a 20% increase from \$2,039,000 last FY2018-19. This budget will also slightly increase effective January 2020 when adjustments for benefits and salaries will be added.

The Operating Expenses and Equipment (OE&E) budget is \$2,860,000, a 7% increase from \$2,682,000 in FY2018-19. The most significant increase was in the Department of Investigations services (DOI) at \$455,000. Previous fiscal year, the PTBC was authorized \$312,000 for DOI. Department of Investigation budgets are based on a two year roll forward methodology and fluctuate based on actual expenditures from two years previous.

Based on preliminary month 03 (Q1) projections provided by the DCA Budget Office, the PTBC expended \$1,173,888 through fiscal month 3 of 2019-20, a 42% decrease from \$1,669,088 that was spent last FY2018-19 (Q1). It should be noted, last year's (Q1) report, the Departmental Services totals accounted for 50% of the totals for the year whereas in this year's projections, only 25% of expenditures were accounted for.

In addition, the PTBC estimated \$1,711,358, in revenues during Q1 this fiscal year (FY2019-20) and \$1,574,280 last fiscal Q1. A revenue increase of \$137,078 or 8.7% increase this fiscal year.

Action Requested: No action requested.

Expenditure Statistics Report						
Budget Line Items	FY 2018-19		CY 2019-20			
	Q1	YTD	Authorized	YTD	Percent	Balance
	Jul-Sept	(As of 9/30/18)	Budget	(As of 9/30/19)	Budget Spent	Remaining
PERSONNEL SERVICES						
Civil Services Permanent	330,428	330,428	1,445,000	325,752	23%	1,119,248
Temp help	25,365	25,365	0	35,103	-	(35,103)
Statutory Exempt	33,734	33,734	77,000	26,253	34%	50,747
Board Members	10,300	10,300	12,000	9,400	78%	2,600
Overtime	0	0	0	0	-	0
Staff Benefits	228,470	228,470	920,000	235,258	26%	684,742
TOTAL PERS SVS	628,297	628,297	2,454,000	631,766	26%	1,822,234
OPERATING EXPENSES & EQUIPMENT						
General Services Totals	189,551	189,551	566,000	147,805	26%	418,195
Fingerprints	3,656	3,656	99,000	0	0%	99,000
General Expense	7,108	7,108	18,000	8,513	47%	9,487
Minor Equipment	12,152	12,152	38,000	0	-	38,000
Major Equipment	0	0	18,000	0	-	18,000
Printing	0	0	13,000	7,183	55%	5,817
Communications	300	300	13,000	1,174	9%	11,826
Postage	9	9	7,000	0	0%	7,000
Insurance	0	0	0	0	-	0
Travel in State	38	38	7,000	1,523	22%	5,477
Training	0	0	12,000	0	0%	12,000
Facilities Operations	27,780	27,780	118,000	28,412	24%	89,588
C&P Services Interdepartmental	0	0	12,000	0	0%	12,000
C&P Services External	138,508	138,508	211,000	101,000	48%	110,000
Departmental Services Totals	885,269	885,269	974,000	227,790	23%	746,210
OIS Pro Rata	273,167	273,167	442,000	110,500	25%	331,500
Administrative Services	533,500	533,500	409,000	102,250	25%	306,750
Division of Investigation-Internal	33,917	33,917	13,000	3,250	25%	9,750
Communication Division	8,250	8,250	25,000	6,250	25%	18,750
Program and Policy Review Division	18,333	18,333	22,000	5,500	25%	16,500
Interagency services	17,417	17,417	37,000	0	0%	37,000
Consolidated Data Center	1	1	10,000	0	0%	10,000
Data Processing Maintenance and Supplies	684	684	16,000	40	0%	15,960
Central Admin Services Pro Rata	0	0	0	0	-	0
Exams Totals	0	0	0	0		0
Exam Administrative External	0	0	0	0	-	0
Enforcement Totals	37,118	37,118	1,320,000	206,476	16%	1,113,524
Attorney General	32,702	32,702	655,000	73,644	11%	581,356
Office of Admin Hearings	0	0	110,000	11,425	10%	98,575
Evidence/Witness	4,416	4,416	100,000	7,657	8%	92,343
Court Reporters	0	0	0	0	-	0
DOI Investigation	0	0	455,000	113,750	25%	341,250
TOTAL OE & E	1,111,938	1,111,938	2,860,000	582,071	20%	2,277,929
TOTALS, PERS SVS/OE&E	1,740,235	1,740,235	5,314,000	1,213,837	23%	4,100,163
Scheduled Reimbursements	-71,147	-71,147	-99,000	-10,094	-	0
Un-Scheduled Reimbursements	0	0	0	-29,855	-	0
TOTAL REIMBURSEMENTS	-71,147	-71,147	-99,000	-39,949		
TOTALS, PERS SVS/OE&E (-REIM)	1,669,088	1,669,088	5,215,000	1,173,888	23%	4,100,163

*The PTBC is authorized to allocate \$99k of its revenues collected from scheduled/unscheduled reimbursements towards CY expenditures. Revenues over 99k are transferred/deposited directly to fund (year-end).



Briefing Paper

Date: December 12, 2019

Agenda Item 20(B)

Prepared for: PTBC Members

Prepared by: April Beauchamps

Subject: Outreach Report

Purpose:

To provide PTBC's Outreach activities and statistics for July – September (Q1), CY 2019/20.

Attachments: [1. Website Statistics](#)
[2. Facebook Statistics](#)

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).

This quarter (Q1) PTBC provided laws and regs and application process training presentations for students at UC San Francisco on 8/5/19, Carrington Career College on 8/9/19, Concorde North Hollywood on 8/28/19, University of the Pacific on 9/3/19, Gurnick Academy on 9/9/19; and, CSU Sacramento on 9/27/19. PTBC also did a training event for licensees at UC Los Angeles on 8/29/19. The PTBC has visited 10 out of 16 PT programs and 6 out of 16 PTA programs in California.

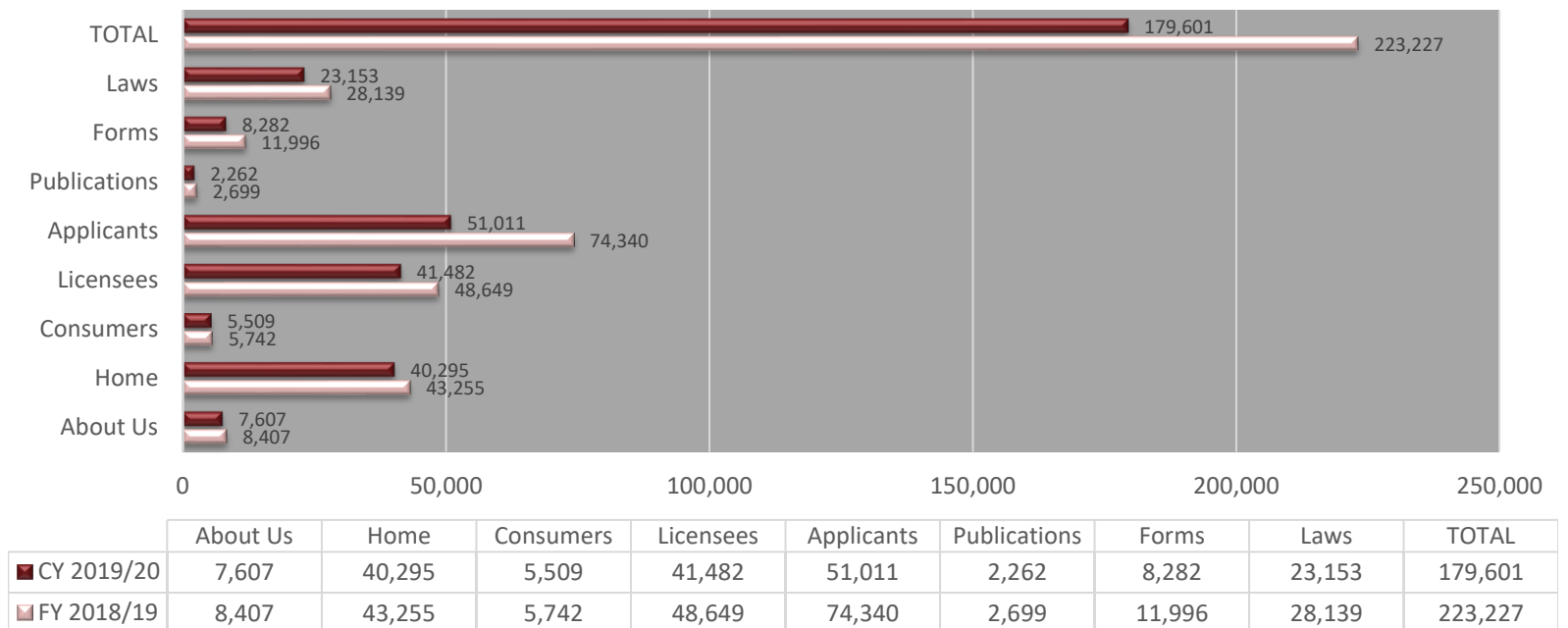
Analysis:

Website - PTBC had 179,601 web-hits through its home page tabs, resulting in an 20% decrease over last fiscal year (Q1). The “Applicants” and “Forms” sections had the most significant decrease of 31% compared to prior fiscal year (Q1).

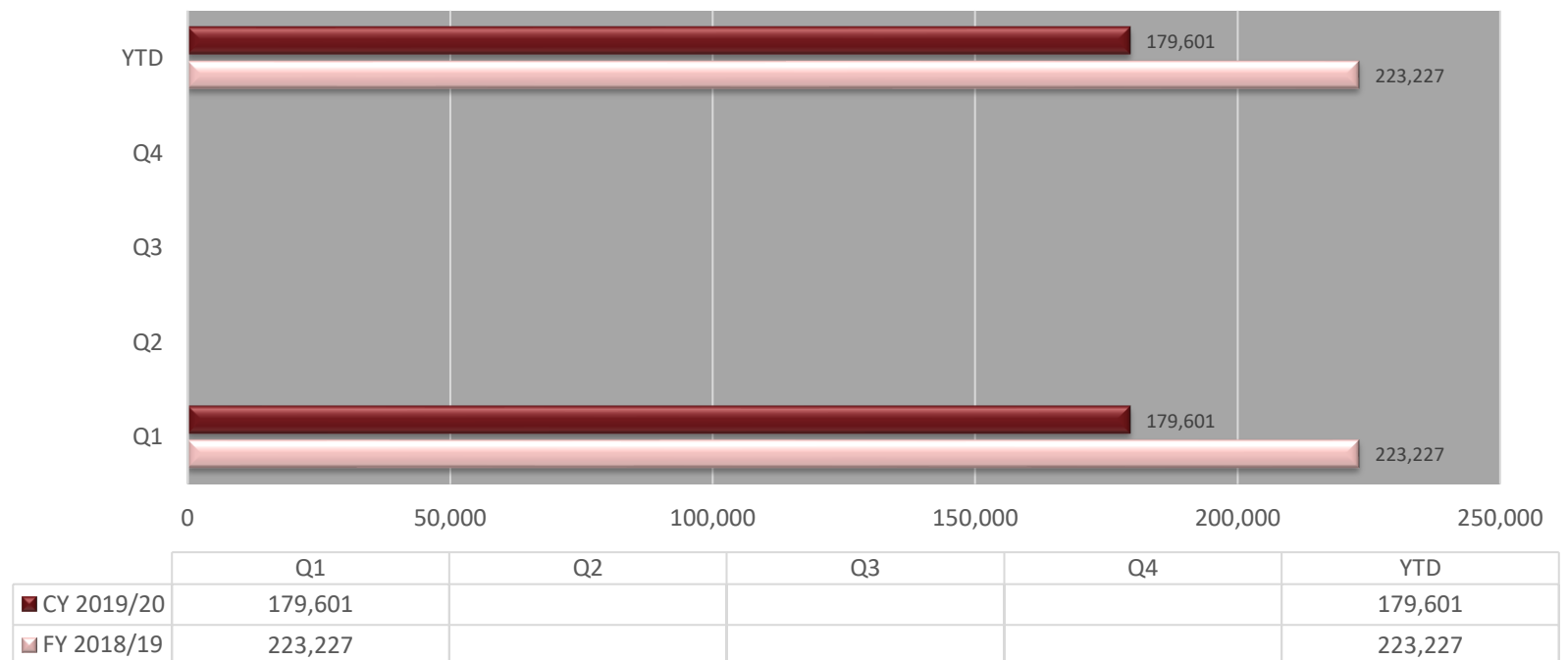
Facebook¹ - PTBC had 27,557 people access (traffic) our page and we received 72 “likes”. In comparison to last fiscal year (Q1), the traffic increased 13%. The most significant increase in activities was our “Reached” showing an overall 18% increase over prior fiscal year (Q1).

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.

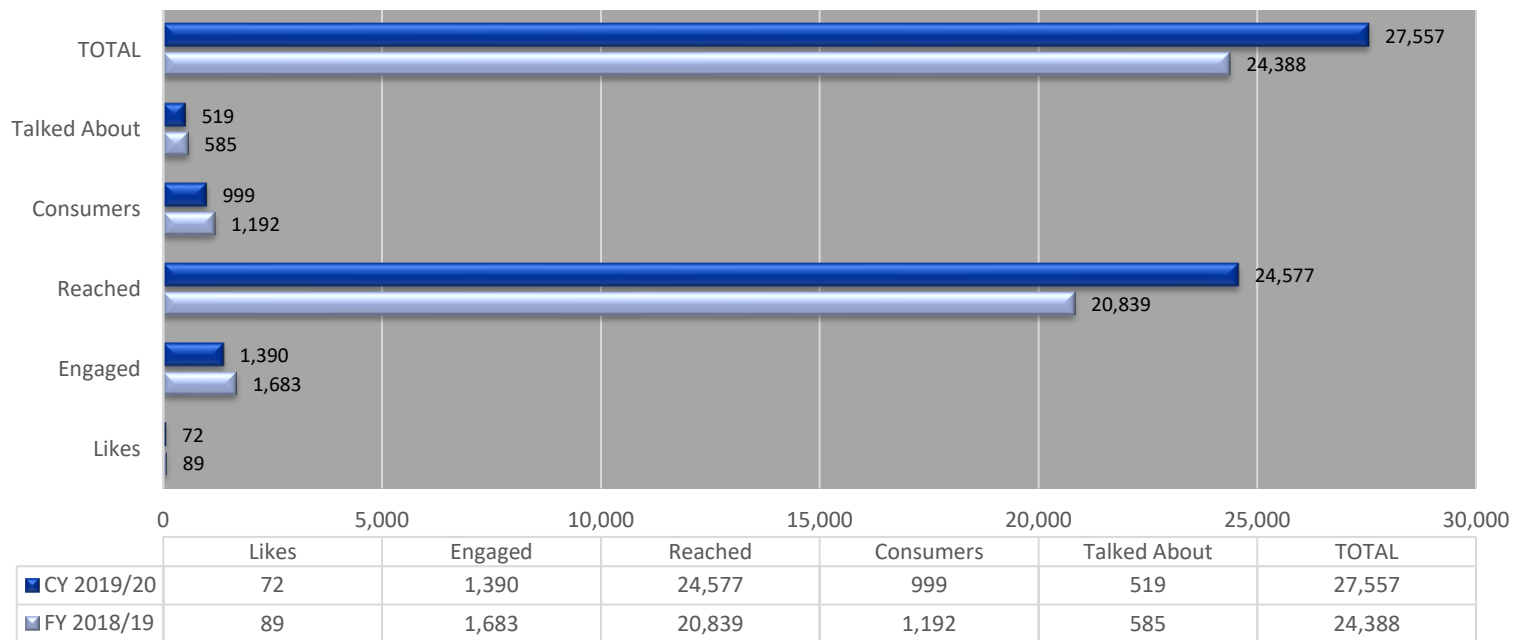
Website Activity (Quarterly)



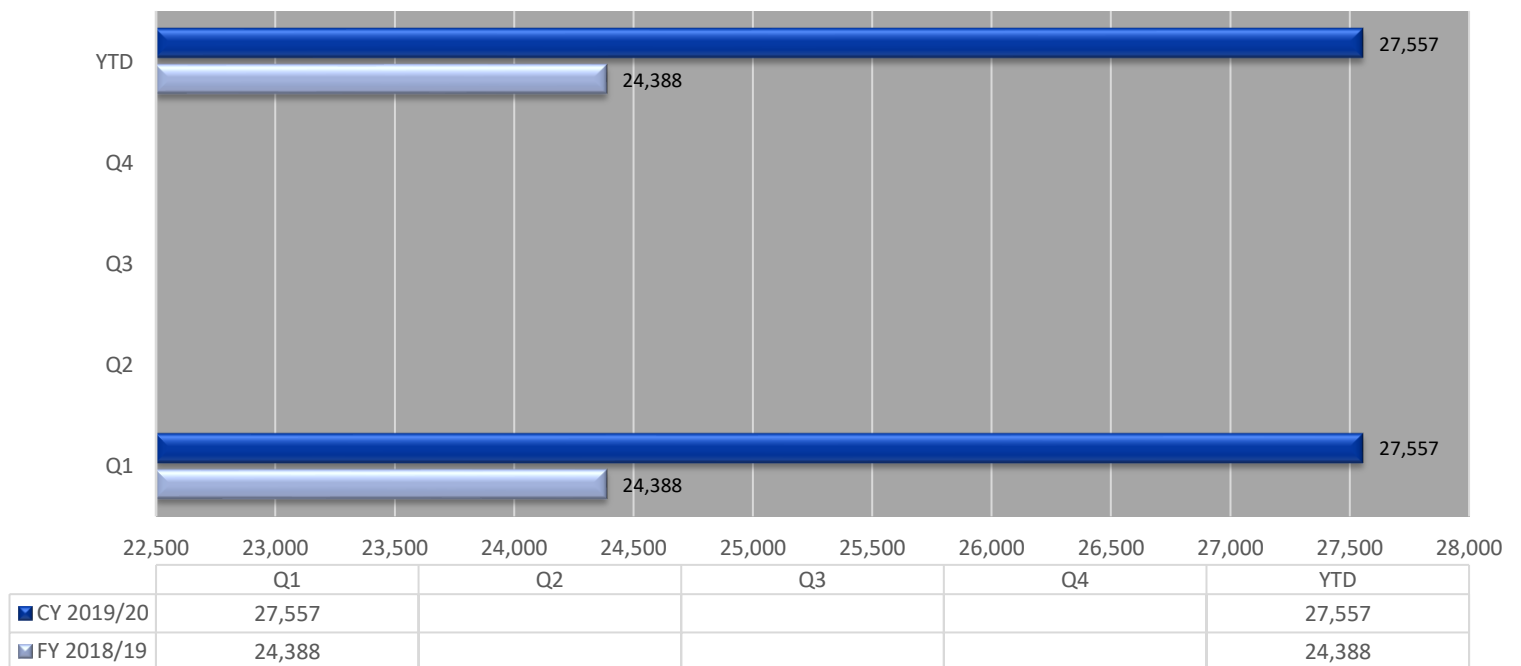
Website Activity (Year-to-date)



Facebook Activity (Quarterly)



Facebook Activity (Year-to-Date)





Briefing Paper

Agenda Item 23(A)

Date: 11/14/2019
Prepared for: PTBC Members
Prepared by: Eura Trent
Subject: Application Services Report

Purpose:

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

Attachments: [1. Application Services Program Statistics](#)
[2. Examination Statistics](#)

Data Format:

The report has been updated to include year-to-date data from the prior fiscal year. The percentages included with the program statistics actual numbers represent a portion of the total.

Update:

FY 2019/20 Quarter 1 Comparison to FY 2018/19 Quarter 1:

As recognized, most applicants are applying online. The continuous rise in online usage can be attributed to an increase in the PTBC outreach efforts. The current outreach efforts include in-person instruction about the PTBC and its application process. Students are educated about the application process and given the opportunity to ask questions to better streamline this process allowing online transactions to become more user friendly.

Action Requested:

None.

Application Services Report - Program Statistics

Initial Applications Received

Current FY 2019/20 - Year to Date					
	Total	Online	OOS	Foreign	Military
PT	498	471 (95%)	177 (36%)	55 (11%)	8 (2%)
PTA	139	123 (88%)	57 (41%)	19 (14%)	7 (5%)
Total	637	594 (93%)	234 (37%)	74 (12%)	15 (2%)
Current FY 2019/20 - Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	498	471 (95%)	177 (36%)	55 (11%)	8 (2%)
PTA	139	123 (88%)	57 (41%)	19 (14%)	7 (5%)
Total	637	594 (93%)	234 (37%)	74 (12%)	15 (2%)
Last FY 2018/19 - Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	541	443 (82%)	230 (43%)	50 (9%)	9 (2%)
PTA	126	97 (77%)	57 (45%)	13 (10%)	9 (7%)
Total	667	540 (81%)	287 (43%)	63 (9%)	18 (3%)

Licenses Issued

Current FY 2019/20 - Year to Date					
	Total	Online	OOS	Foreign	Military
PT	624	N/A	191 (31%)	29 (5%)	12 (2%)
PTA	261	N/A	51(20%)	8 (3%)	13 (5%)
Total	885	N/A	242 (27%)	37 (4%)	25 (3%)
Current FY 2019/20 - Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	624	N/A	191 (31%)	29 (5%)	12 (2%)
PTA	261	N/A	51(20%)	8 (3%)	13 (5%)
Total	885	N/A	242 (27%)	37 (4%)	25 (3%)
Last FY 2018/19 - Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	659	N/A	231 (35%)	49 (7%)	7 (1%)
PTA	171	N/A	37 (22%)	13 (8%)	2 (1%)
Total	830	N/A	268 (32%)	62 (7%)	9 (1%)

Application Services Report - Examination Statistics

National PT and PTA Examination - California Statistics

Accredited PT Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	390				390	416				416	↑ 7%
Fail	47				47	45				45	↓ -4%
Total	437				437	461				461	↑ 5%
Pass Rate	89%				89%	90%				90%	↑ 1%

Non-Accredited PT Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	7				7	18				18	↑ 157%
Fail	25				25	32				32	↑ 28%
Total	32				32	50				50	↑ 56%
Pass Rate	22%				22%	34%				34%	↑ 55%

Accredited PTA Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	124				124	231				231	↑ 86%
Fail	45				45	37				37	↓ -18%
Total	169				169	268				268	↑ 59%
Pass Rate	73%				73%	86%				86%	↑ 18%

Non-Accredited PTA Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	7				7	8				8	↑ 14%
Fail	9				9	7				7	↓ -22%
Total	16				16	15				15	↓ -6%
Pass Rate	44%				44%	53%				53%	↑ 20%

California Law Examination (CLE)

Accredited Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	700				700	754				754	↑ 8%
Fail	242				242	209				209	↓ -14%
Total	942				942	963				963	↑ 2%
Pass Rate	74%				74%	78%				78%	↑ 5%

Non-Accredited Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	61				61	50				50	↓ -18%
Fail	40				40	29				29	↓ -28%
Total	101				101	79				79	↓ -22%
Pass Rate	60%				60%	63%				63%	↑ 5%

National PT and PTA Examination - National Statistics											
Accredited PT Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	4,823				4,823	4,795				4,795	↓ -1%
Fail	556				556	715				715	↑ 29%
Total	5,379				5,379	5,510				5,510	↑ 2%
Pass Rate	90%				90%	87%				87%	↓ -3%

Non-Accredited PT Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	155				155	208				208	↑ 34%
Fail	550				550	615				615	↑ 12%
Total	705				705	823				823	↑ 17%
Pass Rate	22%				22%	25%				25%	↑ 14%

Accredited PTA Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	3,155				3,155	3,146				3,146	↓ 0%
Fail	758				758	745				745	↓ -2%
Total	3,913				3,913	3,891				3,891	↓ -1%
Pass Rate	81%				81%	81%				81%	→ 0%

Non-Accredited PTA Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	87				87	85				85	↓ -2%
Fail	88				88	74				74	↓ -16%
Total	175				175	159				159	↓ -9%
Pass Rate	50%				50%	53%				53%	↑ 6%

Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	2,036				2,036	2,176				2,176	↑ 2%
Fail	416				416	410				410	↓ -3%
Total	2,452				2,452	2,586				2,586	↑ 1%
Pass Rate	83%				83%	84%				84%	↑ 1%

Non-Accredited Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q1	Q1	Q2	Q3	Q4	YTD through Q1	
Pass	101				101	97				97	↓ -4%
Fail	60				60	41				41	↓ -32%
Total	161				161	138				138	↓ -14%
Pass Rate	63%				63%	70%				70%	↑ 11%



Briefing Paper

Agenda Item 24(A)

Date: 11/14/2019
Prepared for: PTBC Members
Prepared by: Eura Trent
Subject: License Maintenance Report

Purpose:

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

Attachments: [1. License Maintenance Statistics](#)

Data Format:

In this report, displayed first is the year-to-date total for the current fiscal year, followed by the current quarter of the current fiscal year and finally the corresponding quarter for the previous fiscal year. The percentages included with the program statistics actual numbers represent a portion of the total.

Update:

FY 2019/20 Quarter 1 Comparison to FY 2018/19 Quarter 1:

The License Maintenance Program contributes to the PTBC outreach efforts by encouraging licensees to routinely utilize BreZE for all license maintenance transactions. This includes all renewal, address change, name change, and duplicate license request.

Therefore, the most notable change in statistical data continues to be the increase of online transitions. The number of online transactions processed in first quarter of FY 2019/20 has increased by an average of 50% compared to the first quarter of FY 2018/19.

Action Requested:

None.

License Maintenance Services Report - Program Statistics

License Status Counts*

Fiscal Year 2019/20				
	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
Fiscal Year 2018/19				
	Current	Inactive	Delinquent	Retired
PT	26,194	1,217	3,952	309
PTA	7,293	315	1,127	92
Total	33,487	1,532	5,079	401

*As of 11/01/19

Renewals Processed

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 2018/19 - YEAR TO DATE			
	Total	Online	
PT	3,159	2,563	81%
PTA	879	724	82%
Total	4,038	3,287	81%
Fiscal Year 2019/20 - Q1			
	Total	Online	
PT	3,458	2,958	86%
PTA	951	821	86%
Total	4,409	3,779	86%
Fiscal Year 2018/19 - Q1			
	Total	Online	
PT	3,159	2,563	81%
PTA	879	724	82%
Total	4,038	3,287	81%

Name Changes Processed

Fiscal Year 2019/20 - YEAR TO DATE			
	Total	Online	
PT	91	82	90%
PTA	35	27	77%
Total	126	109	87%
Fiscal Year 2018/19 - YEAR TO DATE			
	Total	Online	
PT	77	16	21%
PTA	17	0	0%
Total	94	16	17%
Fiscal Year 2019/20 - Q1			
	Total	Online	
PT	91	82	90%
PTA	35	27	77%
Total	126	109	87%
Fiscal Year 2018/19 - Q1			
	Total	Online	
PT	77	16	21%
PTA	17	0	0%
Total	94	16	17%

Address Changes Processed			
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 2018/19 - YEAR TO DATE			
	Total	Online	
PT	1,082	422	39%
PTA	269	98	36%
Total	1,351	520	38%
Fiscal Year 2019/20 - Q1			
	Total	Online	
PT	1,050	978	93%
PTA	276	252	91%
Total	1,326	1,230	93%
Fiscal Year 2018/19 - Q1			
	Total	Online	
PT	1,082	422	39%
PTA	269	98	36%
Total	1,351	520	38%

Duplicate Requests Processed			
Fiscal Year 2019/20 - YEAR TO DATE			
	Total	Online	
PT	52	27	52%
PTA	20	7	35%
Total	72	34	47%
Fiscal Year 2018/19 - YEAR TO DATE			
	Total	Online	
PT	76	19	25%
PTA	12	2	17%
Total	88	21	21%
Fiscal Year 2019/20 - Q1			
	Total	Online	
PT	52	27	52%
PTA	20	7	35%
Total	72	34	47%
Fiscal Year 2018/19 - Q1			
	Total	Online	
PT	76	19	25%
PTA	12	2	17%
Total	88	21	21%



Briefing Paper

Agenda Item 25(A)

Date: 11/15/2019
Prepared for: PTBC Members
Prepared by: Veronica Gutierrez, Alyasha Crutcher
Subject: Continuing Competency Services Report

Purpose:

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

Attachments: [1. Continuing Competency Audit 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.

Update:

A total of 109 physical therapists and 39 physical therapist assistants were selected for audit for FY 2018/19 Q4 (May-July). Staff continues to complete audits for both physical therapists and physical therapist assistants for this quarter, so data available thus far has been included, but the pass rate will be reported at the next meeting.

Action Requested:

None.

Continuing Competency Audit Statistics

Physical Therapist

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	134	100	126	128	488	99	108	111	109	pending	
Fail	12	5	9	8	34	7	8	6	6	pending	
Pending	0	0	0	0	0	0	0	0	4	pending	
Total	146	105	135	136	522	106	116	117	119	pending	
Pass Rate	92%	95%	93%	94%	93%	93%	93%	95%	Pending	pending	

Physical Therapist Assistant

	Fiscal Year 2017/18					Fiscal Year 2018/19					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q3	
Pass	43	81	42	43	209	40	22	29	34	pending	
Fail	2	4	4	2	12	0	5	1	4	pending	
Pending	0	0	0	0	0	0	0	0	1	pending	
Total	45	85	46	45	221	40	27	30	39	pending	
Pass Rate	96%	95%	91%	95%	94%	100%	81%	97%	Pending	pending	

Approval Agencies and Courses

Approval Agencies	125
Courses	14,382



Briefing Paper

Date: November 13, 2019

Agenda Item 26(A)

Prepared for: PTBC Members

Prepared by: Carole Phelps, Analyst

Subject: Consumer Protection Services Program (CPS)

Purpose:

Update on Consumer Protection Services Program - FY 2019/20, Q1 (July – September 2019)

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

Attachment A: Consumer Protection Services Report

As of FY 19/20, Quarter 1, we have had an increase in total number of complaints received, all of them being conviction/arrest reports, with consumer complaint decreasing slightly. Overall, investigation aging days have increased, slightly in some places, and drastically in others. This is a result of the timing of being able to bring older cases to a close.

PM3 Investigations: There have been minor changes with the average days to complete an investigation. The changes that have occurred are due to general fluctuations that occur on a case by case bases.

The Average Days to Close for Citations jumped significantly, compared to the same quarter last year. This is partly because the investigative process and timeline for citation cases are similar in length to cases that are sent for discipline. Additionally, staff is currently focusing on completing investigations in cases that are aging/older.

PM4 Discipline: FY 19/20 year to date reflects a 57% decrease in the number of cases transmitted to the Attorney General's for disciplinary action; additionally, there was a 50% increase in the number of cases closed after transmission. Overall, there was a 31% increase in the average days to complete the enforcement process for discipline, due to an increase in the number of aged cases being closed.

Sample Case Life Cycle: In Q1 of FY 19/20, the PM4b (Number of days from the date the complaint was assigned for investigation to the date the investigation was completed) number jumped from 146 days to 308 days, more than doubling compared to the same quarter last year. There were two outlier cases that caused this jump, and their case life cycles are outlined below

to demonstrate sample case time-frames and to show what can cause a case to age beyond the averages and performance measures.

The first case aged 1,112 days from the date the complaint was assigned for investigation to the date the investigation was completed (PM4b). This case was opened on receipt of an arrest notification, and aged 299 days while waiting for criminal disposition. The case was closed with merit when the Board received notification of disposition of the criminal matter (aged 299 days). The Board later received a subsequent case against the same licensee, and this initial case was re-opened and was forwarded to the Attorney General's office as a companion case. Because this performance measure counts the number of days from the date the complaint was assigned for investigation to the date the investigation was completed, it included the 813 days the case was closed prior to being sent to the Attorney General's Office.

The second case aged 1515 days from the date the complaint was assigned for investigation to the date the investigation was completed (PM4b). The case was opened on receipt of a consumer complaint and was investigated in-house for 155 days before being referred to the Division of Investigation (DOI). DOI's investigation spanned 413 days before the case was returned to the in-house analyst. The case aged an additional 947 days in-house during which the following occurred: referral to expert for documentation review and report, requests to the Subject for additional information, multiple reviews with the Executive Officer and legal counsel, and request to DOI for additional information/investigation. Once sufficient evidence was obtained, the investigation was closed, and the case was submitted to the Attorney General's Office.

Attachment B: Disciplinary Summary List

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: No Action Required

Consumer Protection Services Statistics Report

Complaint Intake

	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM1: Complaints Received	91	86				86	↓ -5%
PM1: Convictions/Arrest Received	55	84				84	↑ 53%
PM1: Total Received	146	170				170	↑ 16%

Intake

Target: 9 Days	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	2	2				2	→ 0%

Investigations

Target: 90 Days	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	97	128				128	↑ 32%
PM3a: Intake Only	2	2				2	→ 0%
PM3b: Investigation Only	89	116				116	↑ 30%
PM3c: Post Investigation Only	1	2				2	↑ 100%

Investigations Aging

	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	76%	89				67%	↓ -9%
91 - 180 Days	12%	22				17%	↑ 5%
181 Days - 1 Year (364)	9%	11				8%	↓ -1%
1 to 2 Years (365-730)	2%	5				4%	↑ 2%
2 to 3 Years (731- 1092)	1%	5				4%	↑ 3%
Over 3 Years (1093 +)	0%	1				1%	↑ 1%

Citations

	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	9	12				12	↑ 33%
Average Days to Close	212	410				410.0	↑ 93%

Transmittals to Attorney General (AG)

Target: 540 Days	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM4: AG Cases	482	631				631	↑ 31%
PM4a: Intake Only	1	3				3	↑ 200%
PM4b: Investigation Only	146	308				308	↑ 111%
PM4c: Pre-AG Transmittal	17	1				1	↓ -94%
PM4d: Post-AG Transmittal	323	380				380	↑ 18%

	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	21	22				22	↑ 5%
AG Cases Pending	47	41				41	↓ -13%
SOIs Filed	0	1				1	#DIV/0!
Accusations Filed	15	5				5	↓ -67%

AG Transmittals							
	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	10	15				15	↑ 50%
Total Average Days to Complete	482	631				631.0	↑ 31%

Total Orders Aging/Final Decision							
	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	0%	0				0%	→ 0%
91 - 180 Days	0%	0				0%	→ 0%
181 Days - 1 Year (364)	40%	1				7%	↓ -33%
1 to 2 Years (365-730)	40%	11				73%	↑ 33%
2 to 3 Years (731- 1092)	20%	2				13%	↓ -7%
Over 3 Years (1093 +)	0%	1				7%	↑ 7%

Other Legal Actions							
	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension or PC 23 Ordered	0	1				1	#DIV/0!

PM1: Volume - Numbr 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 withdraws, 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 2019-20/Quarter 1**

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of July through September 2019. 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 it by telephone, fax, or mail. Please address your request to:

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

.....
July 2019

RILEY, EDWARD BRENDAN PT 25950

Violation of B & P Codes: 2238, 2605, 2660(a), 2660(f)(1), 2660(f)(2), and 2660(j). Stipulated Surrender of License effective 07/08/19, License Surrendered.

SAEDIFAR, MAJID PT 12100

Violation of B & P Codes: 2605, 2620.7, 2630.4 2660, 2660(a), 2660(g), 2660(h), 2660(i), 2690, 2691, 2692, 2693, and 2694. Violation of CCR: 1398.11, 1398.13, 1398.15, 1399, 1399.35, 13401, 13401.3, and 13401.5. Stipulated Settlement and Disciplinary Order Effective 07/10/19, 5 years' Probation.

August 2019

SCIORTINO, SONIA MAGDALENA PTA 8537

Violation of B & P Codes: 2644(b), 2649, 2660, 2660(a), 2660(c), and 2660(j). Violation of CCR: 1399.91, 1399.93(a), 1399.93(b), and 1399.97(c). Stipulated Surrender of License and Order Effective 08/12/19, License Surrendered.

SKINNER, PAULA CURTIN PT 6510

Violation of B & P Codes: 125, 125(b), 810(b), 2052, 2260(q), 2260(t), 2264, 2286, 2406, 2408, 2660(a), and 2660(j). Violation of California Corporations Code 13400. Stipulated Surrender of License and Order Effective 08/16/19, License Surrendered.

MOORE, LISA KATHLEEN PTA 2345

Violation of B & P Codes: 490, 490(c), 2239(a), 2345, 2660, 2660(a), 2660(e), and 2661. Violation of CCR: 1399.20(c), and 1399.24(d). Stipulated Settlement and Disciplinary Order Effective 06/05/19, 5 years' Probation.

MONTOYA, JOHN JOSEPH PT 20698

Violation of B & P Codes: 726, 2660(e), 2660(m), 2660.1. Violation of CCR: 1399.23. Interim Suspension Order Effective 08/27/19, License suspended until a decision by the Board is rendered.

September 2019

CASTILLO, YVONNE ALISH PT 37916

Violation of B & P Codes: 490, 2605(d), 2660(e), 2660(j), and 2661. Violation of CCR: 1399.20(a), and 1399.20(b). Decision After Rejection Order Effective 09/05/19, License Revoked.

BURKE, DIANA DENISE PT 33939

Violation of B & P Codes: 2239, 2660(a), 2660(e), and 2661. Violation of CCR: 1399.20(a), and 1399.20(c). Stipulated Surrender of License and Order Effective 09/05/19, License Surrendered.

ARIELLE, TRACY LYNN PT 15923

Violation of B & P Codes: 493, 2605, 2609, 2660(a), 2660(e), and 2661. Violation of CCR: 1399.20, and 1399.20(a), 1399.24(d)(2). Default Decision and Order Effective 09/12/19, License Revoked.

HAKANSON, LANTHAN WINFIELD PT 292408

Violation of B & P Codes: 490, 493, 2234, 2234(e), 2239, 2660(a), 2660(e), and 2661. Violation of CCR: 1399.20. Stipulated Settlement and Disciplinary Order Effective 09/26/19, 4 years' Probation.

Initial Probationary Licenses (IPL) Issued

.....

BARNETT, WESTON IRA PTA 50279

Violation of B & P Codes: 480(a)(1), 480(a)(2), and 480(3)(A). Decision Granting Initial Probationary License Effective 09/26/19, License Granted.

Glossary of Terms

.....

B & P Code – Business and Professions Code

H & S Code – Health and Safety Code

R & R – Rules and Regulations

CCR – California Code of Regulations

Accusations: Charges 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

Date: November 12, 2019

Agenda Item 27(A)

Prepared for: PTBC Members

Prepared by: Monny Martin, PTBC Probation Monitor

Subject: Probation Monitoring Program

Purpose: Update on Probation Monitoring Program for Q1 - FY 2019-2020

Attachments: [1. Statistical Report](#)

Background:

This is a report on the Board's Probation Monitoring Program for the first quarter of FY 2019-2020. Please refer to attachment A-1 which contains the probation statistics for FY 2019-2020.

Currently there are 93 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 75 licensees on probation and in the state of California, there are an additional 18 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were 4 licensees placed on probation this quarter, and 0 licensees that completed probation in the quarter. There were no surrenders in the quarter.

Of the 75 licensees that are not currently tolling, 18 are currently enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 24% of all licensees on probation that aren't tolling.

Action Requested:

No Action Required.

Probation Statistics Report

Fiscal Year 2019-20 Q1

Probation Statistics Report

Probation							
	FY 2018/19	Fiscal Year 2019/2020					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Probationer	3	4	0	0	0	4	↑ 33%
Completed Probation	2	0	0	0	0	0	↓ -50%
Probation Terminated	0	0	0	0	0	0	⇒ 0%
Non-Compliant w/Probation	1	1	0	0	0	1	⇒ 0%
Tolling (Out of State)	11	18	0	0	0	18	↑ 64%
Surrenders	3	0	0	0	0	0	↓ -33%
Total Probationers	85	93	0	0	0	89	↑ 5%

Maximus							
	FY 2018/19	Fiscal Year 2019/2020					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Maximus	0	3	0	0	0		⇒ 0%
Completed Maximus	0	1	0	0	0	1	↑ 100%
Total Maximus Participants	17	18	0	0	0	18	↑ 6%
Determined To Be Clinically Inappropriate	0	2	0	0	0	2	↑ 100%
Terminated - Public Risk	0	1	0	0	0	1	↑ 100%
Withdrawn (Expense) - Post-Dec	0	0	0	0	0	0	⇒ 0%
Withdrawn (Left State) - Post-Dec	1	0	0	0	0	0	↓ -100%
Withdrawn - Pre-Dec	0	0	0	0	0	0	⇒ 0%