

September 17, 2020
BOARD MEETING

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



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

September 17, 2020 9 a.m.

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

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

Unless otherwise indicated, all agenda items will be held in OPEN SESSION via a teleconference platform. THE PUBLIC IS ENCOURAGED TO ATTEND. Please refer to the instructions attached to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

BOARD MEMBERS

Alicia K. Rabena-Amen, P.T., DPT, *President*

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

Jesus Dominguez, P.T., Ph.D., *Member*

Daniel Drummer, P.T., 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*

MISSION

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

VISION

The standard for consumer protection in physical therapy.



Physical Therapy Board of California



BOARD MEETING AGENDA

PUBLIC TELECONFERENCE MEETING

September 17, 2020

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

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

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

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

For all those who wish to participate or observe the meeting on Thursday, September 17, 2020, please log on to this website:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e9e6b65cd7026bb337c44d1f5884e2c7d>
Meeting Event ID Number: 145 073 3780 and Password: PTBC091720

As an alternative, members of the public who wish to observe the meeting on Thursday, September 17, 2020 without making public comment can do so (provided no unforeseen technical difficulties) at: <https://thedcapage.wordpress.com/webcasts/>

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

Agenda – Thursday, September 17th

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. **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).)
4. **Review and Approval of June 25, 2020, Meeting Minutes** – Brooke Arneson
5. **President's Report** –Alicia Rabena-Amen
 - (A) 2020 Adopted Meeting Calendar
 - (B) 2021 Proposed Meeting Calendar
6. **Executive Officer's Report** – Jason Kaiser
 - (A) Administrative Services
 - (B) Board Member Appointments
 - (C) Strategic Plan
 - (D) PTBC Relocation
7. **Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs** – Jason Kaiser
 - (A) DCA Waiver DCA-20-01 Continuing Education
 - a. First Extension- DCA Waiver DCA-20-27
 - b. Second Extension- DCA Waiver DCA-20-53
 - (B) DCA Waiver DCA-20-02 Reinstatement of Licensure
 - (C) DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
 - a. First Extension DCA Waiver DCA-20-28
 - b. Second Extension DCA Waiver DCA-20-46
 - (D) DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements
8. **Board Member Training - Changing Hats: Conflicts Between Professional Interests and Public Protection in Board Decision-Making** – Rebecca Allensworth – *As Provided by FSBPT*
9. **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)
10. **Legislation Report** – Brooke Arneson
 - (A) 2019/20 Legislative Session Summary
 - i. AB 888 (Low) Opioid Prescriptions: Information: Nonpharmacological Treatments for Pain
 - ii. AB 1263 (Low) Contracts: Consumer Services: Consumer Complaints
 - iii. AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

- iv. AB 1665 (Bonta) Athletic Trainers
- v. AB 1850 (Gonzalez) Worker Classification: Employees and Independent Contractors
- vi. AB 2028 (Aguiar-Curry) State Agencies: Meetings
- vii. AB 2113 (Low) Refugees, Asylees, and Immigrants: Professional Licensing
- viii. AB 2410 (Cunningham) Athletic Trainers
- ix. AB 2549 (Salas) Department of Consumer Affairs: Temporary Licenses
- x. AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses
- xi. SB 878 (Jones) Department of Consumer Affairs Licensing: Applications: Wait Times
- xii. SB 1474 (Committee on Business Professions and Economic Development) Business and Professions

11. Rulemaking Report

- (A) 2019 Rulemaking Update – *Brooke Arneson*
 - 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; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations
- (B) Discussion and Possible Board Action regarding the Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations regulation – *Clay Jackson*
- (C) Discussion and Possible Board Action regarding the Guidelines for Issuing Citations and Imposing Discipline, 6th Edition regulation – *Clay Jackson*

12. Administrative Services Quarterly Update

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

13. Application Services Quarterly Update

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

14. Licensing Services Quarterly Update

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

15. Continuing Competency Services Quarterly Update

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

16. Consumer Protection Services Quarterly Update

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

17. Probation Monitoring Services Quarterly Update

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

18. 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).)

19. Agenda Items for Future Meeting –

December 10-11, 2020
Department of Consumer Affairs
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815

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. Adjournment

Informational Notes:

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

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

The Board plans to webcast this meeting on its website at www.ptbc.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity

to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

The meeting is accessible to the disabled. A person who needs disability-related accommodation or modification to participate in the meeting may make a request by contacting Brooke Arneson at (916) 561-8260, e-mail: brooke.arneson@dca.ca.gov, or send a written request to the Physical Therapy Board of California, 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

HOW TO – Join – DCA WebEx Event



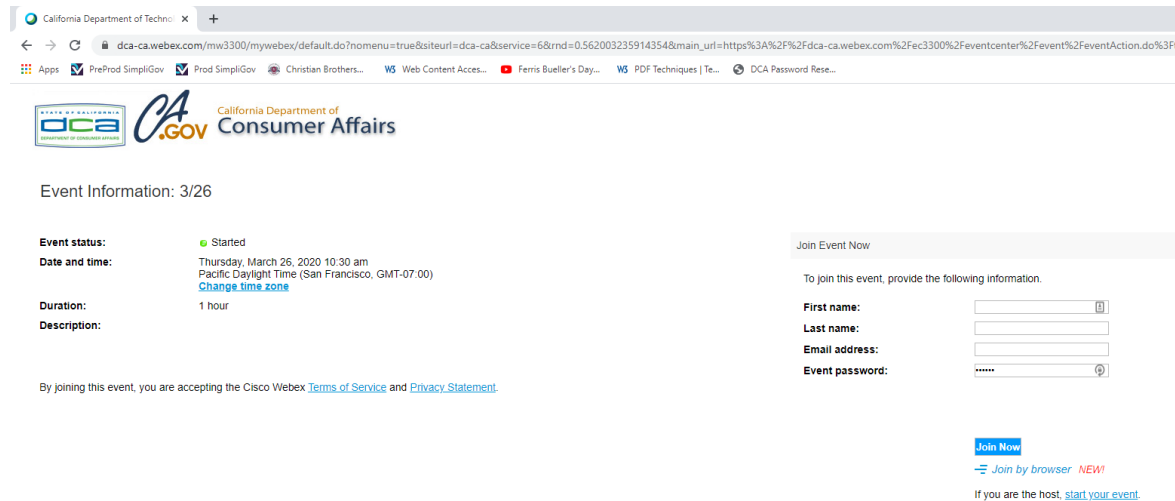
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

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

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

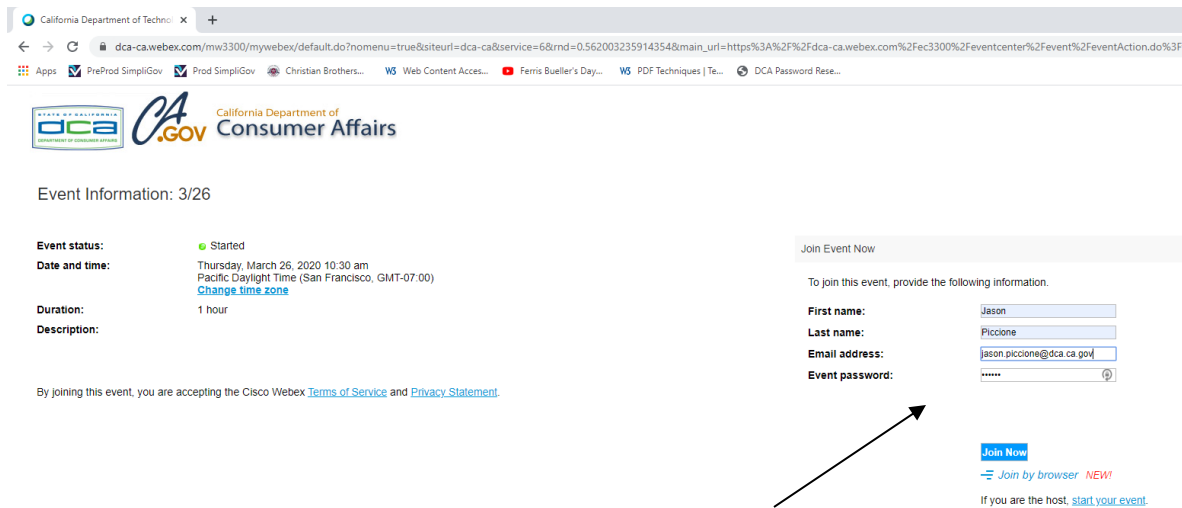
Example link:

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



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

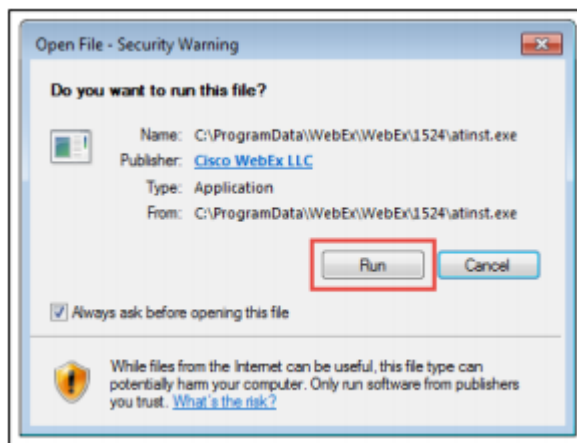
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

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

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



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

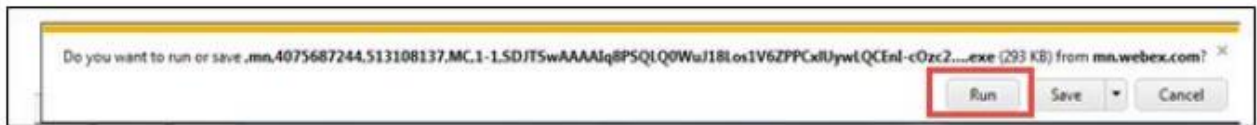
HOW TO – Join – DCA WebEx Event

Starting Webex...



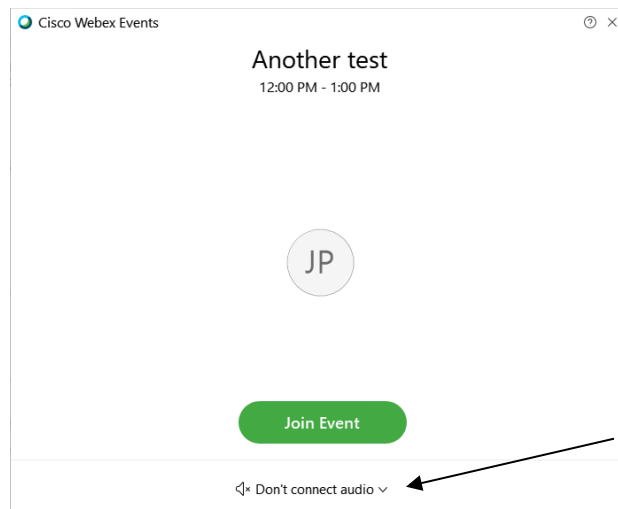
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

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



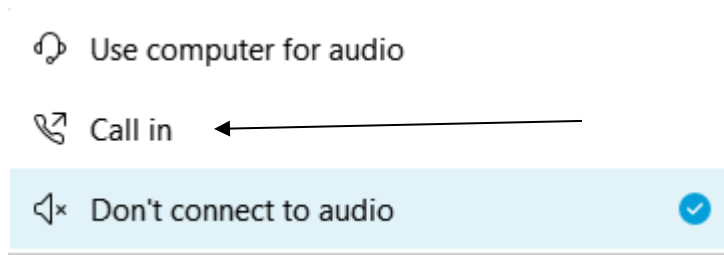
The temporary software will run, and the meeting window will open.

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

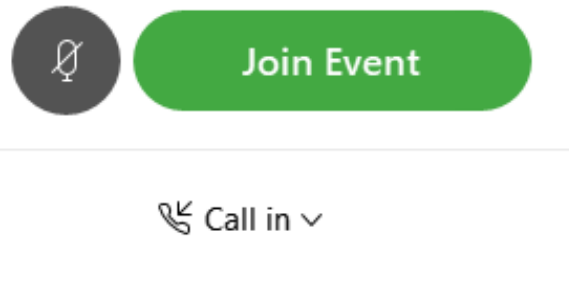


HOW TO – Join – DCA WebEx Event

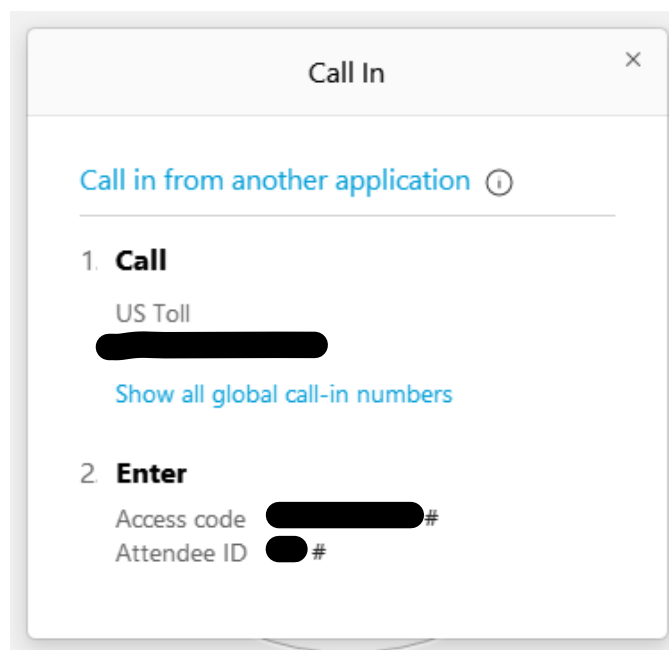
8. When the audio menu appears click 'Call in'.



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



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

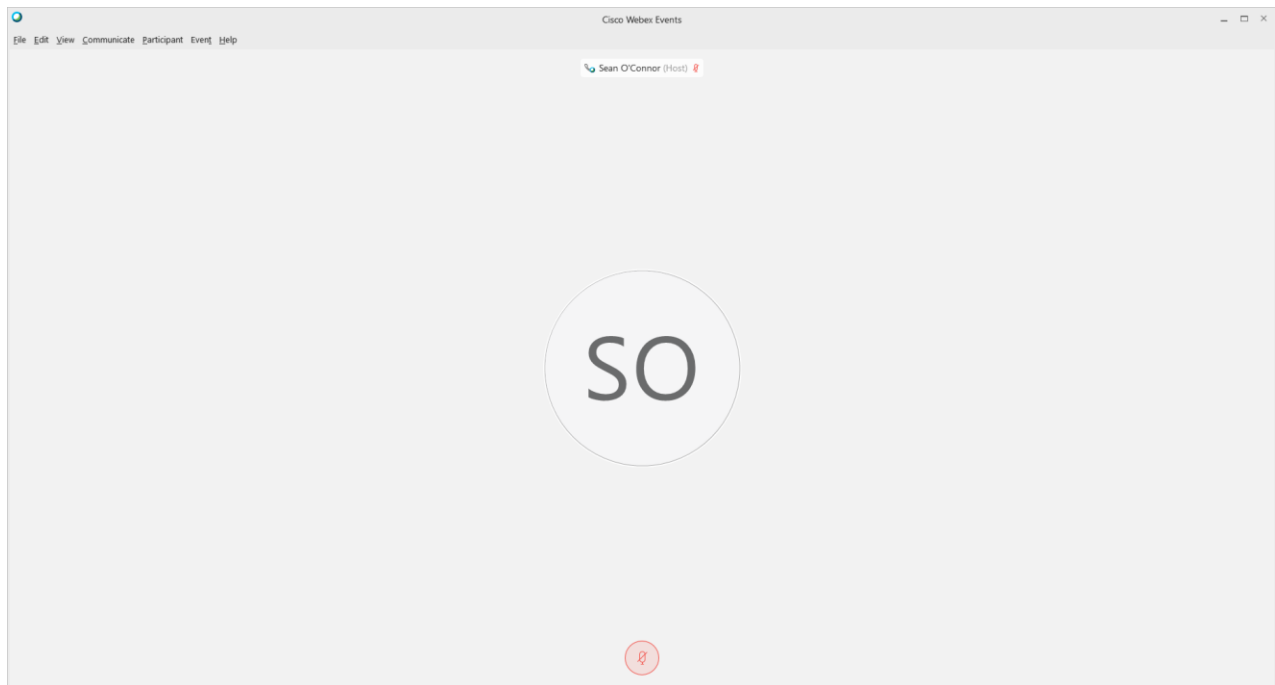


HOW TO – Join – DCA WebEx Event

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

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

Congratulations!

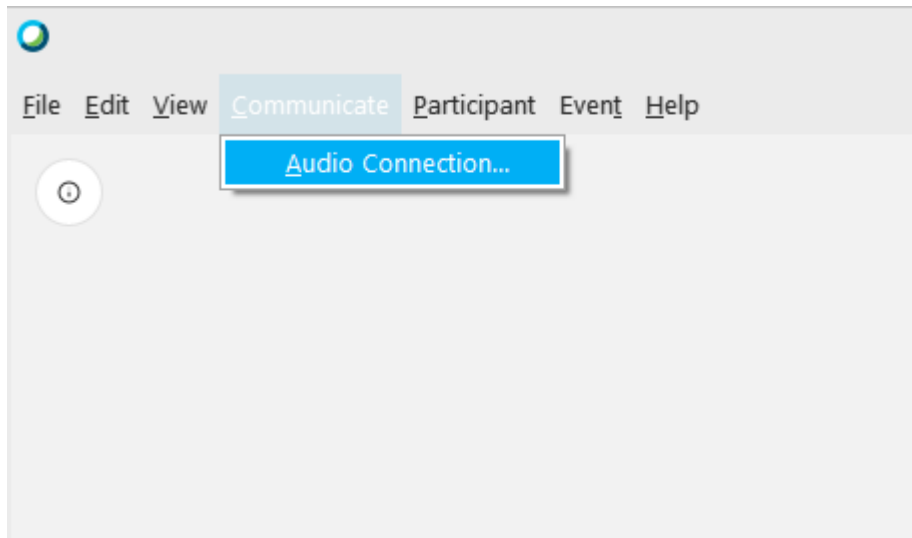


NOTE: Your audio line is muted and can only be unmuted by the event host.

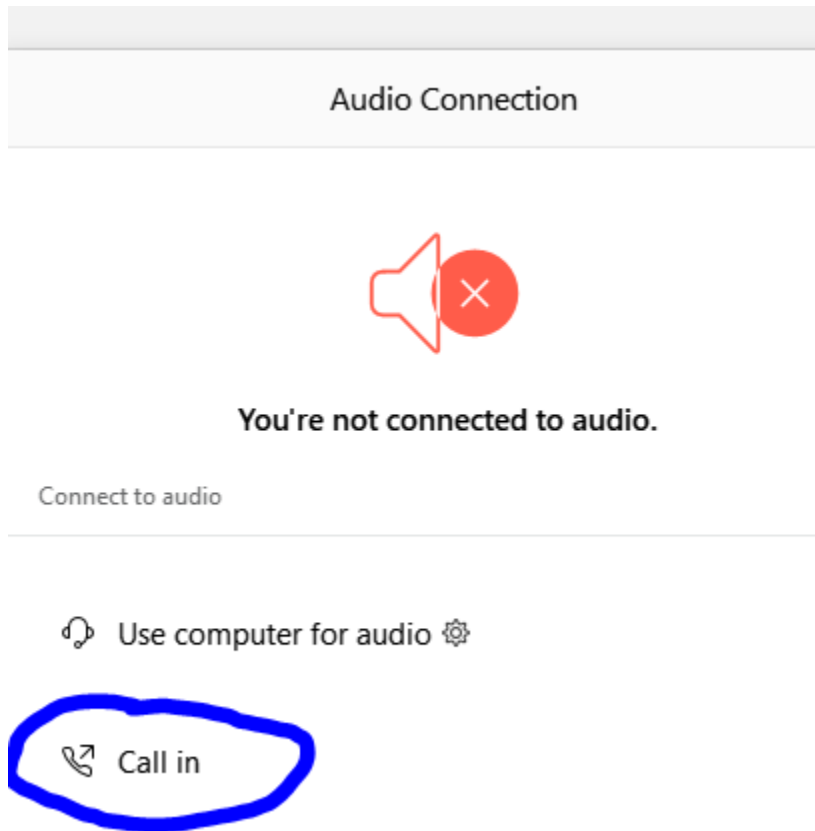
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

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

HOW TO – Join – DCA WebEx Event



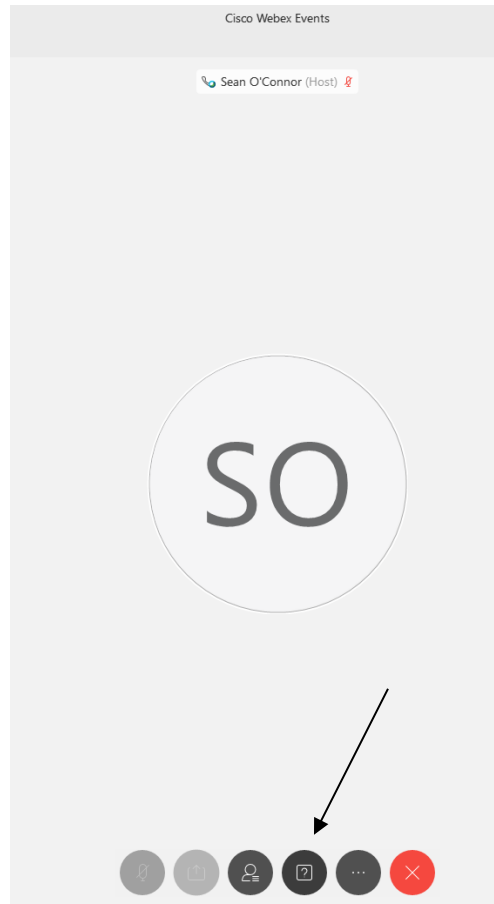
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



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

Participating During a Public Comment Period

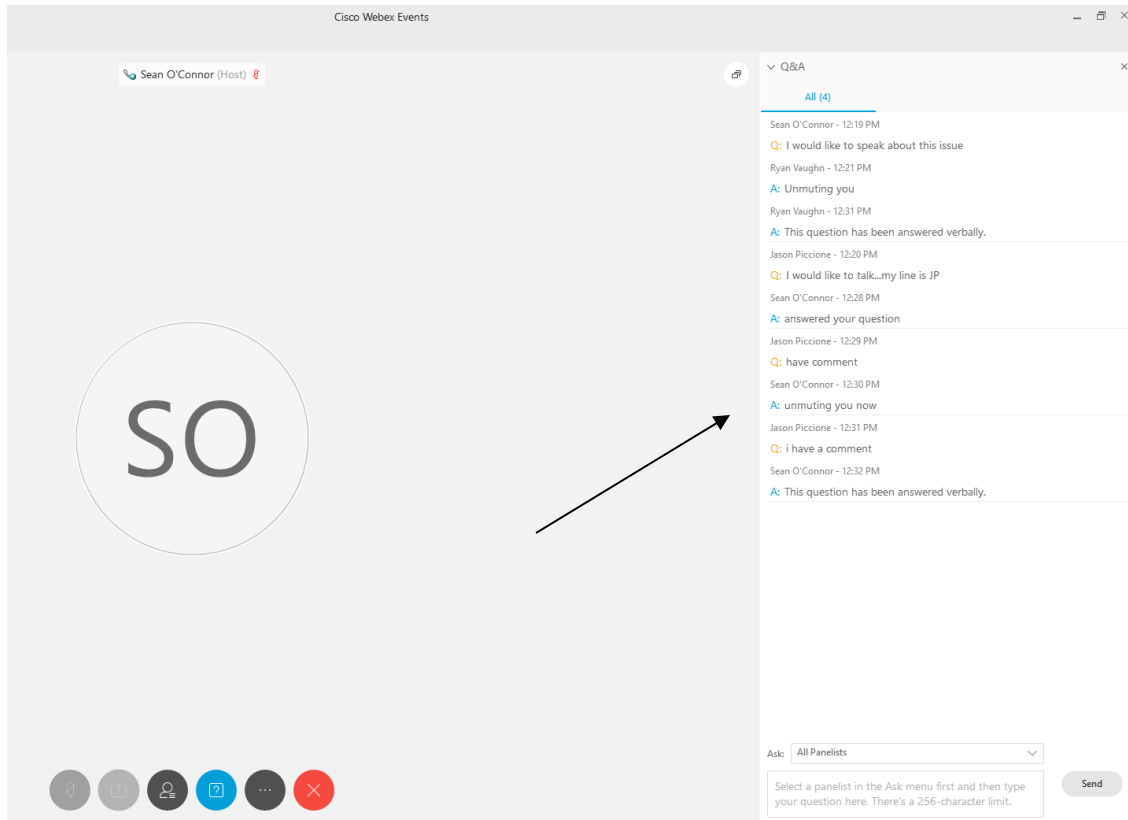
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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

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

HOW TO – Join – DCA WebEx Event



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

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

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

ROLL CALL

**Thursday,
September 17, 2020**

	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

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

Internet: www.ptbc.ca.gov



Physical Therapy Board of California

DRAFT Meeting Minutes

June 25, 2020 9:00 a.m.

Department of Consumer Affairs
Public WebEx and Teleconference
Platform

Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

Katarina Eleby, M.A.

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Tonia McMillian

Vacant, Professional Member

Vacant, Public Member

Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Executive

Analyst

1

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

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1. Call to Order

9

The Physical Therapy Board of California (Board) meeting was called to order by
President Dr. Rabena-Amen at 9:04 a.m. and adjourned at 4:15 p.m. on June 25, 2020.

12

2. Roll Call and Establishment of Quorum

14

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

20

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

25

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

29

3. Public Comment on Items Not on the Agenda

30

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

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

38 **4. Review and Approval of December 12-13, 2019 Meeting Minutes – Brooke Arneson**
39

40 Ms. Arneson presented the draft December 12-13, 2019, meeting minutes. Dr.
41 Drummer asked for clarification on the meeting dates on page 17 and Ms. Arneson
42 responded that she would confirm and edit the meeting minutes accordingly. Dr.
43 Drummer asked that a statement for the result of each election and motion be added to
44 the meeting minutes for clarity on the result of the election nominations and votes.
45

46 **MOTION:** Adopt the proposed December 12-13, 2019, Meeting
47 Minutes as amended.
48

49 **M/S:** Dominguez/McMillian
50

51 **VOTE:** Dominguez- Aye
52 Drummer – Aye
53 Eleby – Aye
54 McMillian – Aye
55 Rabena-Amen - Aye
56 5-0 Motion carried
57

58 **5. President's Report**
59 **(A) 2020 Adopted Meeting Calendar**
60

61 Mr. Kaiser solicited Board members for their feedback on the 2020 meeting dates
62 given the circumstances regarding COVID-19 and the global pandemic. Mr. Kaiser
63 stated for planning purposes and taking into consideration the Governor's recent
64 Executive Order and restrictions on travel, the Board should plan on having WebEx
65 meetings for the duration for the 2020 calendar. Mr. Kaiser added that Board staff
66 will continue to communicate with the schools scheduled to host the Board for future
67 meetings should the current pandemic situation change and in person meetings be
68 possible. Mr. Kaiser informed the Board that all the 2020 scheduled in-person
69 meetings of the Federation of State Boards of Physical Therapy (FSBPT) have been

70 cancelled for the remainder of the year; however, FSBPT's Leadership Issues
71 Forum and Delegate Assembly meeting will be held virtually.
72

73 Dr. Drummer asked for clarification on the Governor's Executive Order on travel.
74 Mr. Kaiser responded that the Governor's order advises that Board meetings and
75 stakeholder meetings be held remotely via electronic means whenever possible.
76

77 Dr. Dominguez asked how the Board is ensuring that petitioners are not being
78 delayed. Mr. Kaiser responded that petitioners have been deferred to the Office of
79 Administrative Hearings (OAH) and can be seen by an Administrative Law Judge
80 (ALJ). Mr. Kaiser added that the Board's petitioners already have dates scheduled
81 with OAH and their petition will be heard by an ALJ who will write a proposed
82 decision and the Board will then receive that decision as they would any other
83 disciplinary matter and the Board will vote. Mr. Kaiser stated that if the Board does
84 not agree with the ALJ's order, the Board can write their own order and ask for
85 further evidence and transcripts, hearings etc. Mr. Kaiser informed the Board that
86 OAH is also doing hearings telephonically to avoid any delay to petitioners which the
87 Board may consider also doing electronically, during a WebEx meeting in the future.
88 Dr. Dominguez asked if the petitioners have the right to defer their hearing if they
89 wish and Mr. Kaiser responded that yes, the petitioner does have the option to defer
90 if they choose to do so.
91

92 Dr. Drummer asked that the virtual dates for FSBPT's Leadership Issues Forum and
93 Delegate Assembly be added to the 2020 calendar. Ms. Eleby responded that the
94 Leadership Issues Forum is rescheduled for July 22, 2020, from 6-7:30 p.m. EST
95 and the Delegate Assembly has been moved to October 24, 2020, from 4-5 p.m.
96 EST.
97

98 Dr. Rabena-Amen confirmed with members on the 2020 meeting dates. All
99 members stated that the dates still worked for them.
100

101 Dr. Rabena-Amen asked about adding dates to the 2020 calendar to address the
102 Board's upcoming Sunset. Mr. Kaiser suggested that the Board address adding
103 dates for Sunset meetings at the September Board meeting. Mr. Kaiser added that
104 he is unsure how the legislature is going to handle next year's Sunset hearings as
105 the legislative session has been delayed due to the pandemic. Mr. Kaiser stated
106 that Boards who were up for Sunset this year, were postponed to the following year,
107 which makes next year's Sunset process for our Board uncertain at this time. Mr.

108 Kaiser stated that at the September meeting Board staff will have an update for the
109 Board on the Sunset process and how many meetings will be necessary.

110
111 Dr. Drummer added that he would like to start working on the Sunset report as soon
112 as possible so the Board is better prepared. Mr. Kaiser responded that the Board
113 has yet to receive the Sunset questionnaire from the Legislature; however, Board
114 staff are already preparing for Sunset by looking at the questionnaire given to other
115 Board's this year to help the Board be prepared for Sunset. Mr. Kaiser added that
116 Board staff are also already preparing reports and working on identifying issues to
117 address with the Legislature for the Sunset report.

118
119 Mr. Kaiser solicited the Board members for their feedback on adding dates in
120 October or November to the 2020 calendar in preparation for Sunset. Dr. Rabena-
121 Amen suggested holding another meeting before the scheduled September Board
122 meeting to address how Sunset would be handled in 2021 and to pick Sunset
123 meeting dates to add to the 2020 calendar for the Board to work on the Sunset
124 report. Board members agreed with Dr. Rabena-Amen's suggestion. Mr. Kaiser
125 recommended that the Board meet on either August 19, 20, 26, or 27; which will give
126 Board staff time to consult with the Legislature to find out how Sunset will be
127 handled next year. Mr. Kanotz, legal counsel, added that the Legislature will have a
128 better idea by September on what will occur the following session with the Sunset
129 process. Mr. Kaiser added that he will have conversations with the BPED regarding
130 the Sunset process for next year and will work with the Board president on adding
131 additional 2020 meeting dates if necessary.

132
133 **(B) 2021 Proposed Meeting Calendar**

134
135 Mr. Kaiser stated that the 2021 proposed meeting calendar was provided for
136 informational purposes and no adoption of the 2021 calendar was necessary at this
137 time.

138
139 Dr. Drummer asked if NPTE dates have changed and how they have been impacted
140 due to the pandemic. Mr. Kaiser responded that the March 2020 NPTE dates were
141 cancelled and FSBPT opened a window of sittings for the exam for the entire month
142 of May and first two weeks of June. Mr. Kaiser added that the July sittings are still
143 scheduled, and he did not anticipate any delays, however there is the possibility that
144 FSBPT might open sitting for the exam from two single days to a week if need be.
145 Mr. Kaiser added that he did not see any foreseeable changes to the calendar for
146 2020 or 2021.

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6. Executive Officer’s Report

Mr. Kaiser reported that due to a vacancy the Board is currently recruiting for a Staff Services Manager II to serve as the Board’s Assistant Executive Officer. Mr. Kaiser stated that the Board is also recruiting for a Staff Services Analyst within the Administrative Services Program to serve as the Communication and Education Analyst for the Board and an Associate Governmental Program Analyst in the Consumer Protection Unit to serve as a Probation Monitor. Mr. Kaiser added that the authority for the two positions goes into effect July 1, 2020; however due to the State’s current fiscal situation, these positions will not be funded until 2021. Mr. Kaiser welcomed Kenneth Meiss to the Board who will serve as the Board’s Budget Analyst in the Administrative Services Program.

(A) PTBC Relocation

Mr. Kaiser reported that currently, the Board is operating on a month to month lease until it can move upstairs. He added that construction has begun on the new suite and more progress is being made every day; however, progress will be delayed due to COVID-19. Mr. Kaiser stated this may change in the future, and the Board’s move in date is a moving target.

Mr. Kaiser stated that due to COVID-19 Board staff have had to acclimate to many changes as a result of the virus and everyday 75% of Board staff are working from home and juggling new ways to communicate and new technologies; such as laptops, Microsoft Teams, virtual private networks. He added that there is a manager in the office every day as well as one to two staff members per unit. Mr. Kaiser reported that the Board has been asked to provide 5% of our analytical staff for a contact tracing project for a period of 6-9 months. Mr. Kaiser stated that the Board has had to close its office to the public for days at a time and only have one mail delivery a day to reduce exposure due to the pandemic.

Mr. Kaiser reported that state workers will be required to take 2 furlough days per month as a cost savings measure which impacts the Board’s daily workload. Mr. Kaiser thanked Board staff for their hard work.

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

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

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(B) DCA Waiver DCA-20-02 Reinstatement of Licensure
(C) DCA Waiver DCA-20-09- Examination Requirement for Continued Physical Therapy

Mr. Kaiser reported on the three waivers applicable to physical therapist and physical therapist assistant licensees that were granted during the state of emergency resulting from COVID-19.

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

Mr. Kaiser reported that this waiver extends the requirement for continuing education until 10/1/2020 and stated that he anticipates that this waiver will be continued given the current state of affairs. Mr. Kaiser added that this waiver means that anyone that is up for renewal in March, April, May or June can state that they are in compliance with the continuing education requirement, even if they have not completed the 30 hours and the expectation is that those hours will be completed by 10/1/2020.

DCA-20-02 Reinstatement of License (3/31/20) – Allows licensees to reinstate an inactive or retired license without paying fees or completing continuing competency. Reinstatement pursuant to this order is valid for six months or until the state of emergency ceases to exist, whichever is sooner. Since the issuance of this order, the PTBC has processed five requests.

Mr. Kaiser reported that this waiver touches on reinstatements and clarified that if a licensee is in delinquent status they do not qualify for this waiver; the licensee would need to be in a retired, inactive or cancelled license status.

Dr. Rabena-Amen asked if any licensee has taken advantage of this waiver and Mr. Kaiser responded yes, our licensees have applied for this waiver; DCA created a centralized application through DCA for licensees to apply and then DCA forwards them onto the Board's to process.

225 **DCA-20-09 Examination Requirement for Continued Physical**
226 **Therapy Treatment (5/6/20)** – Temporarily waives requirement for a
227 licensed physician and surgeon or podiatrist, as applicable, to conduct an
228 “in-person” patient examination and evaluation as required by Business
229 and Professions Code section 2620.1, subdivision (a)(4), subject to the
230 condition that the examination and evaluation must be performed via
231 appropriate electronic means. This order terminates 60 days from the date
232 of the order.
233

234 Mr. Kaiser reported that this waiver removes the in-person requirement of
235 the direct access order and that appointment can be done via telehealth
236 when appropriate. Mr. Kaiser added that this waiver makes it much more
237 flexible not only for licensees; but also, consumers who were having
238 difficulties getting a face-to-face appointment with their physicians during
239 the COVID-19 pandemic.
240

241 Dr. Drummer asked if any complaints have been filed that the Board is
242 aware of because patients were not able to see a physician in person. Mr.
243 Kaiser responded that nothing that rose to the level of complaint has
244 occurred, however, there were some questions but nothing that revealed
245 an access to care issue.
246

247 Mr. Kaiser reported on a fourth waiver that just came out which is located
248 on DCA’s waiver page. This waiver allows PT and PTA applicants whose
249 applications are denied without prejudice between March 31st and July 1,
250 2020 due to the applicant failing to take and pass the examination
251 required for licensure and extends the timeframe by 6 months. This
252 waiver addresses applicants in March that were not able to sit for the
253 examination and if their application expired in March or April; this would
254 open their application again and allow them to sit for the July examination.
255

256 **8. California Jurisprudence Exam Administration Options – Jeff Rosa, FSBPT**
257

258 Mr. Rosa provided a presentation on administration options for the California
259 Jurisprudence Examination.
260

261 Board members were pleased with the presentation and it addressed their questions
262 and concerns regarding administering the California Jurisprudence Examination.
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MOTION: Direct staff to do what is necessary to put the California Jurisprudence Examination into action with the assistance of legal counsel

M/S: Eleby/Dominguez

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

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

Mr. Kaiser stated that last September, the Board submitted the Board’s third request to increase the exempt level of the Executive Officer’s position which would allow the Board to avoid compaction issues; most specifically, the Assistant Executive Officer position.

Dr. Rabena-Amen thanked DCA Director Kirchmeyer for her immediate help with this request; and updated the Board that they heard back in May 2020 that the request was not approved. Dr. Rabena-Amen added that that the California Department of Human Resources (CalHR) recommended that the Board resubmit the request again once the state budgets crisis has passed. Dr. Rabena-Amen suggested to keep the Increase in the Executive Officer level as an agenda item on the agenda going forward for further discussion until it is successfully completed and resubmit the request again as soon as possible. The Board was in unanimous agreement.

Mr. Kaiser added that with each resubmittal, our case is more compelling and that PTBC staff will continue to work with DCA’s Human Resources on this request. Mr. Kaiser added that the Board could also potentially address this request as an issue in the Board’s upcoming Sunset Report.

Dr. Dominguez asked if the request package needed to be revised or strengthened and Dr. Rabena-Amen stated that there was no indication that there was anything wrong with the package and the recommendation was to resubmit. Mr. Kaiser added that our exempt level increase package has been used as a model request package

303 at DCA for other Board's because there is no embellishment and is statistical and
304 factual.

305
306 **10. Consumer and Professional Associations and Intergovernmental Relations**
307 **Reports**

308 **(A) Federation of State Boards of Physical Therapy (FSBPT)**
309

310 Ms. Joni Kalis, a member of the FSBPT Board of Directors, reported that due to COVID-
311 19, all the in person FSBPT meetings for 2020 have been cancelled. Ms. Kalis
312 informed the Board that the Justice 3D meeting on Trauma's Impact on Boundary
313 Violation Investigations Training will be rescheduled for next year. Ms. Kalis stated that
314 the LIF meeting will be held virtually on July 22, 2020, at 6-7:30 p.m. EST and an
315 update will be provided on healthy practice, exams, ethics and legislation reports,
316 bylaws, and Medicare issues that were associated with the Licensing compact that have
317 been resolved. Ms. Kalis reported that FSBPT's Annual Meeting will be held virtually on
318 October 24, 2020, from 4-5 p.m. EST. Ms. Kalis added that FSBPT hopes to get back
319 to in-person meetings in 2021.

320
321 Ms. Kalis stated that the NPTE test dates for April were cancelled, so FSBPT worked
322 with Prometric to open a testing window throughout the month of May. Ms. Kalis
323 informed the Board that there was a slightly higher pass rate during the May
324 administrations of the exam for both PT's and PTA's; and this is due to more study time
325 and better preparation for the exam. Ms. Kalin stated that fixed date testing for July will
326 still be occurring with an additional window for both PT's and PTA's; for PTA's the exam
327 will be on July 8 with an additional testing window from July 9-26th and for PT's the
328 exam will be on July 28 and 29th, with a testing window from July 30-August 31st.

329
330 Dr. Drummer asked if FSBPT has a location yet, for the 2021 Annual meeting. Ms.
331 Kalis responded that the meeting will be held in Florida and Mr. Jeff Rosa added that
332 FSBPT's Annual Meeting for 2022 will be held in California.

333
334 **(B) Department of Consumer Affairs (DCA) – Executive Office**
335

336 Ms. Carrie Holmes, Deputy Director for Board and Bureau Relations provided the Board
337 with an update on behalf of DCA. Ms. Holmes stated that she was appointed by the
338 Governor on June 1, 2020. Ms. Holmes informed the Board that Lourdes M. Castro
339 Ramírez was appointed as Secretary of the Business, Consumer Services and Housing
340 Agency and on March 5, 2020 the Governor appointed Jennifer Simoes as DCA's

341 Deputy Director of Legislative Affairs and on April 16, 2020 the Governor appointed
342 Christine Lally as DCA's Chief Deputy Director.

343
344 Ms. Holmes reported that over the past few months, COVID-19 has altered how DCA
345 does business now and in the future. She stated that DCA temporarily closed all offices
346 to the public in March and DCA has required telework and physical distancing to help
347 reduce the spread of COVID-19. Ms. Holmes reported that following a detailed risk
348 assessment and implementation of a COVID-19 prevention plan, DCA offices reopened
349 to the public on June 15, 2020, and DCA has implemented preventative measures to
350 safeguard the health and safety of its employees and visitors. Ms. Holmes stated that
351 DCA is also looking at places where these changes can be made on an ongoing basis
352 for process efficiencies.

353
354 Ms. Holmes updated the Board on the ADA website compliance project. She reported
355 that DCA's Office of Information Services (OIS) will ensure that all documents posted on
356 DCA's websites are ADA compliant by the end of this year and added that OIS will be
357 facilitating ADA remediation training to DCA staff.

358
359 Dr. Dominguez asked how the Board's current website would be graded in terms of
360 ADA compliance. Mr. Kaiser responded that staff, over the last 8-9 months, have been
361 working in collaboration with DCA on ADA compliance with the Board's website, forms
362 and publications including discipline documents and there is still a great deal more work
363 to be done.

364
365 **(C) California Physical Therapy Association (CPTA)**

366
367 Ms. Stacy DeFoe, Executive Director for CPTA, updated the Board that CPTA staff
368 have been teleworking during the COVID-19 pandemic. Ms. DeFoe stated that CPTA
369 has cancelled all travel through September 2020; and the CPTA Annual Conference will
370 be held virtually and more information on the virtual conference will be forthcoming. Ms.
371 DeFoe added that CPTA's Assembly meeting will also be held virtually on October 2nd.

372
373 Ms. DeFoe reported that CPTA created a COVID-19 resource page on its website to
374 provide information, and address questions and concerns and the page is continuously
375 being updated. In addition, Ms. DeFoe stated that CPTA held a COVID-10 townhall
376 meeting on telehealth to discuss guidelines and best practices. Ms. DeFoe thanked Mr.
377 Kaiser and the Board for their work and collaboration on the waivers issued by the
378 Director of DCA. Dr. Rabena-Amen thanked Mr. Kaiser and Ms. DeFoe for their hard
379 work on the DCA waivers.

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Ms. DeFoe informed the Board that the SB 1054, the PT Licensing Compact bill was heard and did not pass out of the Senate Business, Professions and Economic Development Committee. She added that it was heard along with the Nursing compact bill that also did not pass; however, there was a positive response over the idea. Ms. DeFoe stated that SB 1054 was not sponsored by CPTA; however, CPTA was in support of it. Ms. DeFoe informed the Board that AB 1850 is an opportunity for PT's to get an exemption to the Dynamex bill that passed last year, AB 5.

11. Legislation Report – Brooke Arneson
(A) 2019/20 Legislative Session Summary

Ms. Arneson presented the legislative report and provided the members with an update on how the COVID-19 pandemic has impacted the legislative calendar. Ms. Arneson referred the members to the legislative summary in the meeting materials and discussed the current status and changes to each bill since the last Board meeting as follows:

- i. AB 613 (Low) Professions and Vocations: Regulatory Fees
Ms. Arneson reported that AB 613 is a 2-year bill currently located in the Senate Business, Professions and Economic Development Committee.
- ii. AB 888 (Low) Opioid Prescriptions: Information: Nonpharmacological Treatments for Pain
Ms. Arneson reported that AB 888 is a 2-year bill currently located in the Senate Business, Professions and Economic Development Committee.
- iii. AB 1263 (Low) Contracts: Consumer Services: Consumer Complaints
Ms. Arneson reported that AB 1263 was referred to the Senate Business Professions and Economic Development Committee.
- iv. AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions
Ms. Arneson reported that AB 1616 was just referred to the Senate Business, Professions and Economic Development Committee.

419 v. AB 1665 (Bonta) Athletic Trainers

420

421 Ms. Arneson reported that AB 1665 is in the Senate pending referral to policy
422 committee.

423

424 Dr. Drummer stated that two years ago a very similar bill was proposed (AB
425 3110; Athletic Trainers), and the Board took a position of oppose unless
426 amended; and he suggested that the Board take a similar position on AB 1665.
427 Dr. Drummer added that the concerns with this bill are the same as the ones
428 proposed from prior sessions. He stated that the language of AB 1665 allows an
429 athletic trainer to treat anyone who moves and is not specifically related to
430 athletes and athletic events which is the specialization of an athletic trainer. Dr.
431 Drummer stated that this bill also allows an athletic trainer to work in
432 collaboration with a physician or surgeon but not necessarily under the
433 supervision of a physician or surgeon, which puts members of the public at risk
434 for being cared for by someone who does not have the appropriate training.

435

436 Dr. Drummer moved to authorize the EO and Board staff to draft a letter of
437 oppose unless amended for AB 1665 which was seconded by Dr. Dominguez.

438

439 Mr. Kaiser asked what amendments the Board would like to propose, and Dr.
440 Drummer suggested to remove the term "athlete patient" which has a broad
441 description; and address the vague use of "collaboration with physician and
442 surgeon" which does not require more specific oversight and supervision. Dr.
443 Drummer also stated that AB 2410 (Athletic Trainers) from this session is
444 seeking title protection for athletic trainers which he full supported; however, he
445 was not in support of athletic trainers being able to do more than their scope of
446 practice and training.

447

448 Dr. Rabena-Amen agreed with Dr. Drummer and stated that she was leaning
449 toward a letter of opposition for AB 1665; and a letter of support for AB 2410
450 which would offer title protection for athletic trainers. Dr. Dominguez, Ms. Eleby
451 and Ms. McMillian agreed with a letter of opposition for AB 1665 and a letter of
452 support for AB 2140. Mr. Kaiser added that Board staff will include the Board's
453 concerns with AB 1665 in the opposition letter.

454

455 Dr. Drummer revised his first motion; of "opposed unless amended" for AB 1665;
456 to "oppose" and Dr. Dominguez agreed with the amendment to the motion.

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MOTION: To authorize the Executive Officer and Board staff to draft a letter of opposition for AB 1665.

M/S: Drummer/Dominguez

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

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

Ms. Arneson reported that AB 1850 is in the Senate pending referral to policy committee.

- vii. AB 1904 (Boerner Horvath) Pelvic Floor Physical Therapy Coverage

Ms. Arneson reported that AB 1904 is no longer progressing in the legislature and it is presumed that the bill will have no further activity this session.

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

Ms. Arneson reported that AB 2028 is in the Senate and was just referred to the Senate Governmental Organization Committee.

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

Ms. Arneson reported that AB 2113 is in the Senate pending referral to policy committee.

- x. AB 2185 (Patterson) Professions and Vocations: Applicants Licensed in Other States: Reciprocity

Ms. Arneson reported that AB 2185 is no longer progressing in the legislature and it is presumed that the bill will have no further activity this session.

- xi. AB 2214 (Carrillo) Administrative Procedure Act: Notice of Proposed Action

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Ms. Arneson reported that AB 2214 was pulled and will not move forward.

xii. AB 2410 (Cunningham) Athletic Trainers

Ms. Arneson reported that AB 2410 is in the Senate pending referral to policy committee.

Dr. Drummer added that he was in support of title protection for athletic trainers. Dr. Drummer asked why there was an emergency clause attached to this bill. Mr. Kaiser responded that typically in a title protection bill; there is not an entity tasked with enforcing it or a structure to put into place so urgency is often sought so that it will take effect once the bill is codified.

Ms. Stacey DeFoe, Executive Director of CPTA, during public comment, stated that CPTA has taken an oppose unless amended position on AB 1665 with the same concerns that the Board had previously discussed and a support position on AB 2410. Ms. DeFoe added that CPTA supports AB 2410 as it is a reasonable solution to an ongoing issue and title protection for athletic trainers should be in place.

MOTION: To authorize the Executive Officer and Board staff to draft a letter of support for AB 2410.

M/S: Drummer/McMillian

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

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

Ms. Arneson reported that AB 2549 is in the Senate pending referral to policy committee. She added that Board staff worked with the author's office on the recent amendment excluded the Board from the provisions in this bill.

- 538 xiv. AB 2631 (Cunningham) License Fees: Military Partners and Spouses
539
540 Ms. Arneson reported that AB 2631 was pulled and will not move forward.
541
- 542 xv. AB 2684 (Blanca Rubio) School Employee Credentialing: Occupational Therapy
543 and Physical Therapy Services: Workgroup
544
545 Ms. Arneson reported that AB 2684 was pulled and will not move forward.
546
- 547 xvi. AB 2704 (Ting) Healing Arts: Licensees: Data Collection
548
549 Ms. Arneson reported that AB 2704 is dead.
550
- 551 xvii. AB 2978 (Ting) Department of Justice: Arrest and Conviction Records: Review
552
553 Ms. Arneson reported that AB 2978 was pulled and will not move forward.
554
- 555 xviii. AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: Military
556 Spouses: Licenses
557
558 Ms. Arneson reported that AB 3045 is in the Senate, pending referral to policy
559 committee.
560
- 561 xix. SB 878 (Jones) Department of Consumer Affairs Licensing: Applications: Wait
562 Times
563
564 Ms. Arneson reported that SB 878 was just ordered to the Assembly on June 24,
565 2020.
566
- 567 xx. SB 1054 (Moorlach) Physical Therapy Licensure Compact Presentation by the
568 PT Compact Commission
569
570 Ms. Arneson reported that SB 1054 is no longer progressing in the legislature
571 and it is presumed that the bill will have no further activity this session.
572
- 573 xxi. SB 1168 (Morrell) State Agencies: Licensing Services
574

575 Ms. Arneson reported that SB 1168 was held in the Senate Appropriations
576 Suspense File and it is presumed that the bill will have no further activity this
577 session.
578

579 **12. Rulemaking Report – Brooke Arneson**
580 (A) 2019 Rulemaking Update
581

582 Ms. Arneson presented an overview of the rulemaking report and referred the members
583 to the rulemaking update in the meeting materials and discussed the current status of
584 each rulemaking item.
585

586 i. Examination Passing Standard/Setting Examination Score
587

588 Ms. Arneson reported that in June 2019, PTBC staff forwarded the pre-review
589 regulation documents (the Initial Statement of Reasons, Notice and Proposed
590 Language) to DCA Legal for review. Ms. Arneson added that in mid-February
591 2020, DCA Legal provided Board staff with their suggested edits and Board staff
592 resubmitted the rulemaking package for initial phase review to DCA Legal in June
593 2020.
594

595 ii. Guidelines for Issuing Citations and Imposing Discipline, 6th Edition
596

597 Ms. Arneson reported that with the passage of AB 2138 (Chapter 995, Statutes of
598 2018) it was determined that the Disciplinary Guidelines needed to be amended
599 further and modified proposed language was presented and adopted at the June
600 2019 meeting and in June 2019 PTBC staff forwarded the initial rulemaking
601 package to DCA Legal for review.
602

603 iii. Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a
604 Physical Therapist or Physical Therapist Assistant/Coursework Tool
605

606 Ms. Arneson reported that in November 2019, PTBC staff forwarded the pre-review
607 regulation documents (Initial Statement of Reasons, Notice and Proposed
608 Language) to DCA Legal for review. Ms. Arneson added that Board staff have
609 worked with DCA Legal on suggested edits and in June 2020 the initial rulemaking
610 package was submitted to DCA Legal for review.
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612 iv. FSBPT's Performance Evaluation Tool for Foreign Educated Physical Therapists
613 Completing a Supervised Clinical Practice in the United States

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

- v. Substantial Relationship Criteria
- vi. Rehabilitation Criteria for Denial and Reinstatement of Licensure
- vii. Rehabilitation Criteria for Suspensions and Revocations

Ms. Arneson reported that the rulemaking package was submitted to DCA Legal for review in October 2019 and on December 26th the initial rulemaking package was submitted to Agency and in February 2020, Agency provided the Board with non-substantive edits. Ms. Arneson added that Board staff worked with DCA Legal to address these edits and resubmitted the package back to Agency for review and it was approved April 16, 2020. Ms. Arneson stated that the Notice will be published by Office of Administrative Law (OAL) on June 26, 2020, and the 45-day public comment period will end on August 10, 2020.

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

13. Administrative Services – Discussion and Possible Board Action – Jason Kaiser
(A) Budget Report

Mr. Kaiser stated that there is not a line by line budget item report and that staff have been working with DCA’s budget office on reconciling the budget reports through Fiscal and a budget report will be provided in the meeting materials at the next scheduled Board meeting. Mr. Kaiser added that the Board’s budget is on track and there have been cost and salary savings by not filing the Assistant Executive Officer position and a few other recruitments. Dr. Drummer asked if there were any red flags that Board staff were aware of and Mr. Kaiser responded there were not.

Dr. Dominguez asked if any licensee’s have been having difficulty paying their license renewal fees related to COVID-19. Mr. Kaiser responded that some licensees have reported financial difficulties due to not being able to work and

653 have inquired about renewal fee waivers due to financial hardship and the Board
654 has discretionally waived delinquency fees.

655

656 (B) Outreach Report

657

658 Dr. Rabena-Amen asked if the Board shares posts from other Facebook sites and
659 Mr. Kaiser responded that the Board does share posts on Facebook, Instagram
660 and Twitter from educational programs, CPTA, FSBPT, other PT campaigns, and
661 COVID-19 articles. Mr. Kaiser added that the Board has been sharing the Census
662 2020 campaign as well.

663

664 Mr. Kaiser stated that prior to COVID-19, the Board was making great progress on
665 reaching out to every PT and PTA program in the State however; since COVID-
666 19, the Board is looking at doing outreach presentations via electronic means i.e.
667 Zoom, MS Teams, WebEx etc.

668

669 (C) Board Member Appointments

670

671 Mr. Kaiser reported that the Board Member Appointment chart shows Board
672 member terms and the history for each member's position. Mr. Kaiser added that
673 the chart also depicts that the Board has two vacancies; and two members are
674 serving in their grace periods which is very concerning for the Board.

675

676 Dr. Drummer stated that he did not realize that both Dr. Rabena-Amen and Ms.
677 Eleby were serving in their grace periods. Dr. Rabena-Amen stated that she did
678 have an interview for extension, and she has not heard back. Ms. Eleby added
679 that she also had an interview with the Governor's Office for extension and had
680 not heard back yet.

681

682 Dr. Drummer asked if Board staff have had conversations with the Governor's or
683 Assembly Appointment Secretary and Mr. Kaiser responded that Board staff have;
684 however no further information has been disclosed at this time.

685

686 Dr. Drummer suggested that the Board member position that is involved in
687 physical therapy education be noted on the Board member Term Chart.

688

689 **14. Application Services – Discussion and Possible Board Action – Jason Kaiser**

690 (A) Program Statistics

691 (B) Statistical Reports

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Mr. Kaiser reported that the Board is moving into its busy season with schools graduating and the NPTE being offered twice in the month of July and this will be compacted with contract tracing, furloughs, and COVID-19. PTBC staff will do their best to mitigate any backlogs.

Dr. Rabena-Amen asked what OOS stood for and Mr. Kaiser clarified that it stands for “Out of State.”

Dr. Drummer asked if the Board anticipates any major changes with Quarter 4 and Mr. Kaiser responded that there may be a decrease in completion for PT and PTA programs in Quarter 4 as a result of not having a suitable number of available clinical placements and having to extend their graduation dates.

15. Licensing Services – Discussion and Possible Board Action – Jason Kaiser

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

Mr. Kaiser reported that online requests have increased and as long as licensees can facilitate transactions online through BreEZe there is very little impact that COVID-19 should have on licensees. Mr. Kaiser stated that he encourages the use of BreEZe as it will mitigate any delays in processing transactions during this time.

Dr. Rabena-Amen asked if there is a new way for applicants to view their PTLA status. Mr. Kaiser responded that there is added functionality in the BreEZe system for applicants to see new milestones in their BreEZe account to show an applicant where they are in the application process and they will be notified once they have been approved for PTLA status.

16. Continuing Competency Services – Discussion and Possible Board Action –

Jason Kaiser

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

Mr. Kaiser reported that significant progress has been made by the Continuing Competency (CC) unit and that CC staff have been redirected in the past to help process applications timely during the busy season and with COVID-19 it is anticipated that will happen again. Mr. Kaiser stated that CC audits of licensees and collection of data on recognized approval agencies and providers will continue; however not at the same pace as they have been, as the Board will need to focus on primary mandates.

735 Mr. Kaiser reported that the pass rates of the CC audits tends to fluctuate very
736 little and there are currently 125 different recognized approval agencies and a
737 little over 14,000 different courses that are available to our licensees for CC
738 credit.

739 **17. Continuing Competency Services – Discussion and Possible Board Action –**

740 *Jason Kaiser*

741 (A) Program Statistics

742 (B) Statistical Reports

743

744 Mr. Kaiser reported that within Consumer Protection Services (CPS) unit, the
745 most significant impact from COVID-19 has not been from internal processes but
746 with working and obtaining information from Division of Investigations,
747 Department of Justice, Office of Administrative Hearings, and other entities. Mr.
748 Kaiser added that staff have moved from tower desk computers to laptops and
749 employed virtual private networks so staff can have a seamless transition
750 teleworking.

751

752 Ms. McMillian asked about the work/life balance now that staff are working from
753 home; Mr. Kaiser responded that the Board has always had a family first
754 philosophy and Board staff continue to support each other during this time.

755

756 **18. Probation Monitoring Services – Discussion and Possible Board Action – Jason**

757 *Kaiser*

758 (A) Program Updates

759 (B) Statistical Reports

760

761 Mr. Kaiser reported that COVID-19 has impacted probation monitoring. He
762 stated that participants in the drug rehabilitation program through Maximus are
763 affected greatly by any closures and the Board has been dealing on a case-by-
764 case basis with respondents' inability to find a site for bodily fluid testing and Mr.
765 Martin has had an increase in workload to monitor these special situations.

766

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

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

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

774

775 **20. Agenda Items for Future Meeting –**

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September 16 & 17, 2020

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Gurnick Academy of Medical Arts
Building B-200, Room 7
2121 S. El Camino Real,
San Mateo, CA 94403

Ms. Eleby requested an agenda item be added to discuss the potential loss of revenue due to COVID-19 and how the Board can strategize and anticipate challenges and be mindful of that.

Dr. Dominguez requested adding an agenda item about Telehealth and what is permissible and what is not; and to possibly have a presentation on Telehealth. Dr. Dominguez clarified that the agenda item should be Telehealth-specific for licensees and clinical placements for future applicants. Mr. Kaiser suggested possibly having a representative from CAPTE provide a presentation on clinical placement, and what the expectations are for academia and what the expectations are for students.

Mr. Kaiser reiterated that the Board should expect WebEx Board meetings for the duration of the 2020 year.

21. 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.

The Board entered closed session at 3:58 p.m. and reconvened into open session to adjourn at 4:15 p.m. on June 25, 2020.

22. Reconvene Open Session

The Board reconvened from closed session into open session to adjourn at 4:15 p.m. on June 25, 2020.

23. Adjournment

The meeting adjourned at 4:15 p.m. on June 25, 2020.

Physical Therapy Board of California Adopted 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	APTA Sections Meeting Denver, Colorado						25-26	PTBC Meeting Univ of St. Augustine *Cancelled						7	PTA NPTE					
9	PTA NPTE						17	President's Day						28	CPTA Student Conclave *Cancelled						12	Easter					
20	Martin Luther King Jr												31	César Chávez Day						28	PT NPTE						
29	PT NPTE																										

May							June							July							August						
10	Mother's Day						3-6	APTA NEXT Virtual Event						4	Independence Day												
25	Memorial Day						19-21	FSBPT REG Training *Cancelled						8	PTA NPTE						22	FSBPT LIF Virtual Event					
							21	Father's Day						28-29	PT NPTE												
							25	PTBC Meeting WebEx																			

September							October							November							December						
7	Labor Day						3	CPTA Annual Meeting Virtual Event						11	Veteran's Day						10-11	PTBC Meeting Sacramento, CA					
17	PTBC Meeting WebEx						6	PTA NPTE						26	Thanksgiving						25	Christmas					
							22-24	FSBPT Annual Meeting Virtual Event																			
							27	PT NPTE																			
							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	TBD	APTA Sections Meeting Virtual Event			TBD	CPTA Student Conclave TBD
15	APTA Founders Day TBD			31	César Chávez Day	4	Easter
18	Martin Luther King Jr					28	PT NPTE
26	PT NPTE						

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

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

PTBC BOARD MEMBER TERMS

2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024

1. **Professional Member**
Appointed by: Governor



2. **Professional Member**
Appointed by: Governor
(Physical Therapy Educator)



3. **Professional Member**
Appointed by: Governor



4. **Professional Member**
Appointed by: Governor



1. **Public Member**
Appointed by: Governor



2. **Public Member**
Appointed by:
Senate Rules Committee



3. **Public Member**
Appointed by:
Speaker of the Assembly



Previous incumbent
 Current incumbent
 Vacant
 Grace period
 TBD

Four-year term even-year appointments
 Four-year term odd-year appointments





Briefing Paper

Agenda Item 7(A)

Date: 08/26/2020
Prepared for: PTBC Members
Prepared by: Brooke Arneson
Subject: Waivers Issued by the Director of the California Department of Consumer Affairs

Purpose:

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

- Attachments:
- 1. DCA Waiver DCA-20-01 Continuing Education
 - a. First Extension - DCA Waiver DCA-20-27
 - b. Second Extension - DCA Waiver DCA-20-53
 - 2. DCA Waiver DCA-20-02 Reinstatement of Licensure
 - 3. DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
 - a. First Extension - DCA Waiver DCA-20-28
 - b. Second Extension – DCA Waiver DCA-20-46
 - 4. DCA Waiver DCA-20-25 Extending Time to Satisfy Examination Requirements
-

Update:

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

- 1. **DCA-20-01 Continuing Education (3/31/20)** – Temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and June 30th, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
 - a. **First Extension - DCA-20-27 Extending DCA Waiver DCA-20-01 (7/1/20)** – Extends DCA waiver DCA-20-01 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between July 1st and August 31st, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
 - b. **Second Extension - DCA-20-53 Extending DCA Waiver DCA-20-01 (8/27/20)** – Supersedes DCA waiver DCA-20-27 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31st and October 31st, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.

2. **DCA-20-02 Reinstatement of License (3/31/20)** – Allows licensees to reinstate an inactive or retired license without paying fees or completing continuing competency. Reinstatement pursuant to this order is valid for six months or until the state of emergency ceases to exist, whichever is sooner.
 3. **DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment (5/6/20)** – Temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates 60 days from the date of the order.
 - a. **First Extension - DCA-20-28 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (7/1/20)** – Extends DCA Waiver DCA-20-09 and temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates an additional 60 days, on September 3, 2020, unless further extended.
 - b. **Second Extension - DCA-20-46 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (8/27/20)** – Extends DCA Waiver DCA-20-09 and temporarily waives requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates an additional 60 days, on November 2, 2020, unless further extended.
 4. **DCA-20-25 Extending Time to Satisfy Examination Requirements (6/23/20)** – Temporarily waives physical therapist and physical therapist assistant applicants whose applications are deemed denied without prejudice between March 31, 2020, and July 1, 2020, due to the applicant failing to take and pass the examinations prescribed by Business and Professions Code section 2636, subdivision (a), and California Code of Regulations, title 16, section 1398.28.
-

Action Requested: None.



Briefing Paper

Date: August 26, 2020
Prepared for: PTBC Members
Prepared by: Brooke Arneson
Subject: Legislation Report

Agenda Item 10(A)

Purpose:

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

- Attachments:**
- 1. [2020 Legislative Calendar](#)
 - 2. [Definition of the Board’s Legislative Positions](#)
 - 3. [2019/20 Legislative Summary](#)

Background and Update:

The 2020 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.

Due to the ongoing pandemic, leadership in the Assembly and Senate have requested that members voluntarily reduce their legislative package to allow only the most critical and pressing bills to move forward. A significant number of bills have been dropped by members and many policy committees are taking a pro-active role in limiting what is being set for hearing. The Assembly and Senate legislative calendars have also been modified which is reflected below, resulting in different calendar deadlines in each house. After July 13th, the Assembly and Senate calendar deadlines become harmonized.

Upcoming Legislative Calendar Highlights:

- | | |
|------------------------|--|
| August 14, 2020 | Last day for Assembly policy committees to meet and report bills. |
| August 15, 2020 | Last day for Senate policy committees to meet and report bills. |
| August 21, 2020 | Last day for Assembly and Senate fiscal committees to meet and report bills. |

August 24, 2020	Last day to amend bills on the Assembly floor.
August 26, 2020	Last day to amend bills on the Senate Floor for chaptering purposes only.
August 24-31, 2020	Assembly and Senate Floor session only.
August 31, 2020	Last day for each house to pass bills. Recess begins upon adjournment.
September 30, 2020	Last day for the Governor to act on passed legislation.

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.

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK
October 18, 2019 (Final)

DEADLINES

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

FEBRUARY						
S	M	T	W	TH	F	S
						1
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9	10	11	12	13	14	15
16	<u>17</u>	18	19	20	<u>21</u>	22
23	24	25	26	27	28	29

MARCH						
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15	16	17	18	19	20	21
22	23	24	25	26	<u>27</u>	28
29	30	31				

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

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

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 6** Legislature Reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 17** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- Jan. 20** Martin Luther King, Jr. Day.
- Jan. 24** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)). Last day to **submit bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced** in that house in the odd-numbered year (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).
- Feb. 17** Presidents' Day.
- Feb. 21** Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- Mar. 27** Cesar Chavez Day observed
- Apr. 2** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Apr. 13** Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 24** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).
- May 1** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 8** Last day for **policy committees** to meet prior to June 1 (J.R. 61(b)(7)).
- May 15** Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for **fiscal committees** to meet prior to June 1 (J.R. 61(b)(9)).
- May 25** Memorial Day
- May 26 - 29** **Floor Session Only.** No committees, other than conference or Rules Committees, may meet for any purpose (J.R. 61(b)(10)).
- May 29** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

*Holiday schedule subject to Senate Rules committee approval.

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK
October 18, 2019 (Final)

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

June 1 Committee meetings may resume (J.R. 61(b)(12)).

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

June 25 Last day for a legislative measure to qualify for the November 3 General Election ballot (Election code Sec. 9040).

June 26 Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

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

July 2 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

July 3 Independence Day observed.

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

Aug. 3 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 14 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 17 – 31 **Floor Session only**. No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(16)).

Aug. 21 Last day to **amend bills** on the Floor (J.R. 61(b)(17)).

Aug. 31 Last day for **each house to pass bills** (Art. IV, Sec. 10(c), (J.R. 61(b)(18)). **Final recess** begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 3 General Election

Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

Dec. 7 12 m. convening of 2021-22 Regular Session (Art. IV, Sec. 3(a)).

2021

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

**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 888

**Opioid Prescriptions: Information:
Nonpharmacological Treatments for Pain**

Author: Low (D)

Status: Amended Assembly 4/11/19. 7/1/2019 In Senate Business, Professions and Economic Committee. Testimony Taken. Hearing Postponed by Committee. Referred, Second to the Senate Committee on Health

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 expands requirements for prescribers to discuss risks and dangers of opioids and opioid addiction to all patients and adds a requirement the the prescriber discuss the availability of nonpharmacological treatments for pain (include but are not limited to, acupuncture, chiropractic care, physical therapy, occupational therapy and licensed mental health provider services). Also requires a prescriber to obtain informed written consent for an opioid prescription and offer the patient a referral for a provider of nonpharmacological treatments for pain. Includes services offered by a number of licensed professionals in the definition of nonpharmacological treatments for pain.

AB 1263

**Contracts: Consumer Services: Consumer
Complaints**

Author: Low (D)

Status: Amended Assembly 1/6/20. 6/23/20 In Senate Referred to the Senate Business, Professions and Economic Committee.

Position: No Position

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

Summary: This bill prohibits a contract or proposed contract involving the provision of a consumer service by a licensee regulated by a licensing board from limiting the consumer’s ability to file a complaint with a licensing board against a licensee, or from participating in a board’s investigation. The bill defines “licensing board” to be any entity regulated by the Department of Consumer Affairs (DCA), the State Bar of California, or the Department of Real Estate (DRE) and any other state agency that issues a professional license.

AB 1616

**Department of Consumer Affairs: Boards
Expunged Convictions**

Author: Low (D)

Status: Amended Senate 7/7/20. 7/7/20 in Senate Business, Professions and Economic Development Committee. From Committee Chair with Author’s Amendments: Amend and Re-refer to Committee. Read Second Time, Amended, and Re-referred to Senate Business, Professions and Economic Development Committee.

Position: No Position

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

Summary: This bill requires professional licensing boards under the Department of Consumer Affairs that post information on their internet website about a revoked license due to a criminal conviction to update or remove information about the revoked license should the board receive an expungement order related to the conviction, as

2019/20 Legislative Summary

Quarterly Report (Q4) (April- June 2020)

specified. The person seeking the change must pay to the board a fee, determined by the Department, designed to cover the administrative costs of these requirements.

AB 1665

Athletic Trainers

Author: Bonta (D)

Status: Amended in Senate 2/27/20. 7/1/20 in Senate, Re-referred to Senate Business, Professions and Economic Committee.

Position: Opposition

[PTBC Letter of Opposition](#)

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 enact the Athletic Training Practice Act, which, until January 1, 2028, would establish the California Board of Athletic Training within the Department of Consumer Affairs to exercise licensing, regulatory, and disciplinary functions under the act. The bill would prohibit a person from practicing as an athletic trainer or using certain titles or terms without being licensed by the board, subject to limited exceptions. The bill would define the practice of athletic training, specify requirements for licensure as an athletic trainer, and would require a licensed athletic trainer to practice only in collaboration with a physician and surgeon. The bill would provide that an athletic trainer license would be valid for 2 years and subject to renewal, and would authorize the board to deny, suspend, or revoke a license and to discipline a licensee for specified reasons. The bill would specify acts that constitute unprofessional conduct and would make it a misdemeanor for any person to violate the act, as specified. This bill would establish the Athletic Trainers Fund for the deposit of application and renewal fees, as specified, and would make those fees available to the board for the purpose of implementing the act's provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers' Association or any other private individual or entity for the initial costs of implementing the act, and would specify that, if private funds are unavailable, would specify that a general fund or special fund loan may be used and repaid with fee revenue.

This bill would repeal its provisions on January 1, 2028.

AB 1850

Worker Classification: Employees and Independent Contractors

Author: Gonzalez (D)

Status: Amended Assembly 5/12/20. 7/1/20 in Senate, Referred to Senate Committee on Labor, Public Employment and Retirement.

Position: No Position

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

Exempts from the 3-part ABC test for employment status and instead applies the test set forth in the California Supreme Court's Borello decision (S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341) to certain occupations such as musicians, insurance inspectors and competition judges, subject to specified conditions, adds appraisers and certain master class teachers to the professional services exemption, revises the freelancer exemption, and recasts the exemption for referral agencies, as specified.

AB 2028

State Agencies: Meetings

Author: Aguiar- Curry (D)

Status: Amended Senate 8/20/2020. 9/1/2020 in Senate Ordered to Inactive File by Unanimous Consent.
 Position: No Position

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

This bill removes an exemption in existing law thereby requiring that a state body make an agenda item that had already been discussed by a committee of the state body open to public comment, as specified.

AB 2113

Refugees, Asylees, and Special Immigrant Visa

Author: Low (D)

Holders: Professional Licensing: Initial Licensure Process

Status: 9/1/20 Enrolled. 8/30/20 Senate Amendments Concurred in. To Engrossing and Enrolling.
 Position: No Position

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

This bill requires licensing boards under the Department of Consumer Affairs (DCA) to expedite, and assist, the initial licensure process for an applicant who supplies satisfactory evidence to the Board that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. This bill authorizes a Board to adopt regulations necessary to administer these provisions.

AB 2410

Athletic Trainers

Author: Cunningham (R)

Status: Assembly Introduced 2/18/20. 7/1/20 in Senate. Referred to Senate Business, Professions and Economic Development Committee.

Position: Support

[PTBC Letter of Support](#)

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

This bill would make it unlawful for any person to hold themselves out as an athletic trainer, use the title of, among others, athletic trainer, or to use specified terms to imply or suggest that the person is an athletic trainer, unless that person fulfills certain requirements, including, but not limited to, being certified by the Board of Certification, Inc., or its predecessors or successors, or by another certifying entity with comparable standards for certifying athletic trainers. The bill would make it an unfair business practice to use the title “athletic trainer,” “certified trainer,” or other specified terms that imply or suggest that the person is an athletic trainer if the person does not meet the requirements. This bill, notwithstanding these provisions, would authorize a person who has worked as an athletic trainer in California for a period of 20 consecutive years prior to January 1, 2021, and who is not otherwise eligible to use the title “athletic trainer” to use that title. This bill would declare that it is to take effect immediately as an urgency statute.

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Agenda Item 10(A)

AB 2549

DCA: Temporary Licenses

Author: Salas (D)

Status: 5/18/20 Amended Assembly. 7/1/20 in Senate. Referred to Senate Business, Professions and Economic Development Committee

Position: No Position

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

This bill adds specified licensing boards to the list of boards that are required to issue temporary licenses to military spouses, requires boards under the requirement to promulgate regulations, as specified, and makes other technical changes. In addition, this bill would require a Board to submit to the Department of Consumer Affairs, draft regulations necessary to administer these provisions. This bill would also exempt from these provisions, a Board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to received expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year.

AB 3045

Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses

Author: Gray (D) & Patterson (R)

Status: Assembly Introduced 2/21/20. 7/1/20 in Senate. Referred to Senate Business, Professions and Economic Development Committee.

Position: No Position

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

This bill would require certain regulatory boards to grant licenses to applicants who are either honorably discharged veterans or are the spouse or partner of an active duty member of the Armed Forces in cases where the applicant holds a current, active, and unrestricted license in another state.

SB 878

Department of Consumer Affairs: License: Application: Processing Timeframes

Author: Jones (R)

Status: Amended Senate 6/18/20. 8/30/20 in Senate. Ordered to Engrossing and Enrolling.

Position: No Position

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

This bill would require each Board within the Department that issues a license to display its application processing timeframes on the board's website. Specifically, this bill: requires, beginning July 1, 2021, each entity within DCA, on at least a quarterly basis, to prominently display on its website both of the following: a) The current average timeframes for processing initial and renewal license applications or the combined current average timeframe for processing both initial and renewal license applications. b) The current average timeframes for processing each license type that the board administers or the combined current average timeframe for processing all license types that the board administers.

2019/20 Legislative Summary

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Agenda Item 10(A)

SB 1474 **Business and Professions**

Author: BPED Committee

Status: Amended Assembly 8/30/20. 8/31/20 in Senate, Assembly Amendments Concurred in (39 Ayes, 0 Noes). Ordered to Engrossing and Enrolling.

Position: No Position

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

This bill will extend the operations of the PTBC and other various boards, bureau's and councils by one year. In addition, this bill will prohibit a contract for the provision of a consumer service by a license regulated by a licensing board from including a provision limiting the consumer's ability to file a complaint with the board or to participate in the board's investigation into the licensee. This bill also makes several non-controversial, minor, or technical changes to regulatory boards of the DCA.



Physical Therapy Board of California

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

DEPARTMENT OF CONSUMER AFFAIRS • PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen Street, Suite 1350, Sacramento, CA 95815

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July 10, 2020

The Honorable Steven Glazer
Chair, Senate Committee on Business, Professions
& Economic Development
State Capitol
Sacramento, CA 95814

Dear Senator Glazer,

The Physical Therapy Board of California (Board) at its June 25, 2020 meeting, discussed and took an opposed position on AB 1665 (Bonta) (as Amended February 24, 2020), which seeks to create licensure for athletic trainers, as well as a defined scope of practice. The Board has numerous concerns with this legislation, just as it has had with other similar legislative efforts to regulate and/or recognize athletic trainers.

Under the proposed provisions currently in AB 1665, the definition of “athletic activity” in Section 2697.1(b) is overly broad. It allows one licensed under this act to work with any person or patient for nearly any physical condition. Athletic trainers are specifically educated and trained to work with athletes who have undergone a preparticipation screening by a physician and are participating in an organized sports activity. The broadness of this definition puts public safety at risk because it allows athletic trainers to work with all in our population, with no preparticipation screen, and to provide care to the generalized population instead of that for which they are known to treat; athletes participating in athletic settings with an individualized protocol tailored to an athlete’s specific and personal needs. The language of this bill would allow athletic trainers to work with all patients for all conditions.

In addition, the supervision of an athletic trainer as outlined in this bill is insufficient. AB 1665 allows athletic trainers to work “in collaboration” with a physician. Athletic trainers work under the supervision of a physician at their discretion under a plan developed specifically for the individual athlete. This bill allows an athletic trainer to work with unlimited direct access to patients, without the patient ever having to see a licensed healthcare practitioner, so long as there is some sort of relationship with a physician somewhere.

The conditions under AB 1665 would allow the athletic trainer to “assess and evaluate” a patient’s condition, then offer “treatment.” Working under the direction of a protocol when no physician is present would effectively require the athletic trainer to diagnose a patient’s condition to correctly apply the proper treatment protocol. The ability to diagnose is well outside of the education and training of an athletic trainer.

The Board believes AB 1665 (Bonta) is unnecessary and flawed, and we urge your “No” vote. We also urge your closer look at AB 2410 (Cunningham), which the Board

believes satisfies major arguments offered by AB 1665's sponsors without creating a larger, unnecessary regulatory scheme to address this issue.

Thank you on behalf of the Board for your thoughtful consideration of our concerns, and we look forward to working with you on this important issue. Should you have any questions regarding our position, please feel free to contact the Board's Executive Officer, Jason Kaiser at (916) 561-2878.

Sincerely,



Alicia Rabena-Amen
President, Physical Therapy Board of California

Cc: Jennifer Simoes, Deputy Director, Legislative Affairs, Deputy Director, Division of Legislative Affairs, Department of Consumer Affairs
Rose Turner, Legislative Analyst, Department of Consumer Affairs



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July 10, 2020

The Honorable Steven Glazer
Chair, Senate Committee on Business, Professions
& Economic Development
State Capitol
Sacramento, CA 95814

Dear Senator Glazer,

The Physical Therapy Board of California (Board) at its June 25, 2020 meeting took a support position on AB 2410 (Cunningham) (as Introduced February 18, 2020), which would make it clear that no one in California can call themselves an “Athletic Trainer” or “Certified Athletic Trainer” unless they have the appropriate credentials.

The Board believes that AB 2410 seeks an appropriate solution to the issue that there is no protection against a person identifying themselves as an Athletic Trainer when they have no such credentials for doing so. Athletic Trainers are specifically educated and trained to work with athletes who have undergone a preparticipation screening by a physician and are participating in an organized sports activity. They work under the supervision of a physician at their direction, under a plan developed specifically for that individual athlete.

AB 2410 directly addresses the issue that anyone in California can call themselves an “Athletic Trainer” or “Certified Athletic Trainer” without having relevant or appropriate credentials while recognizing the national certification standard, which is appropriate, as it has long been considered the “gold standard” for Athletic Trainers. As such, we urge your “Aye” support of this bill when it is heard before your committee.

Thank you on behalf of the Board for your thoughtful consideration of AB 2410. Should you have any questions, please feel free to contact the Board’s Executive Officer, Jason Kaiser at (916) 561-2878.

Sincerely,

A handwritten signature in blue ink that reads 'Alicia Rabena-Amen'.

Alicia Rabena-Amen
President, Physical Therapy Board of California

Cc: Jennifer Simoes, Deputy Director, Legislative Affairs, Deputy Director, Division of
Legislative Affairs, Department of Consumer Affairs
Rose Turner, Legislative Analyst, Department of Consumer Affairs



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Briefing Paper

Date: August 26, 2020

Agenda Item 11(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. 2020 Rulemaking Update](#)
[2. Rulemaking Processing Timelines](#)

Background:

At the December 2019 meeting, the Board adopted the 2020 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 2020 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.

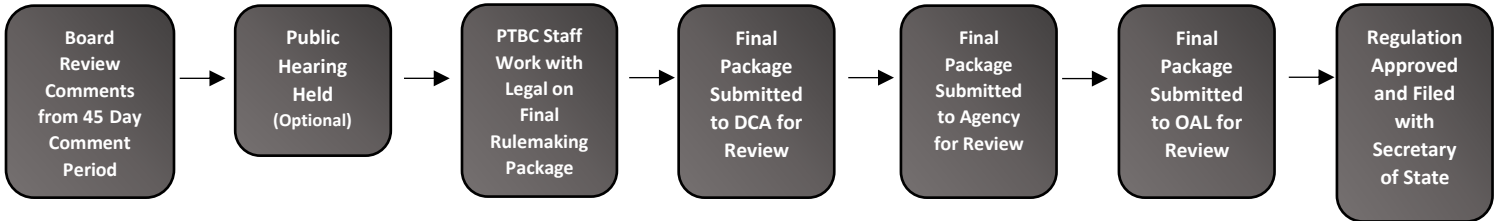
2020 Rulemaking Update

Examination Passing Standard/ Setting Examination Score

Initial Phase:



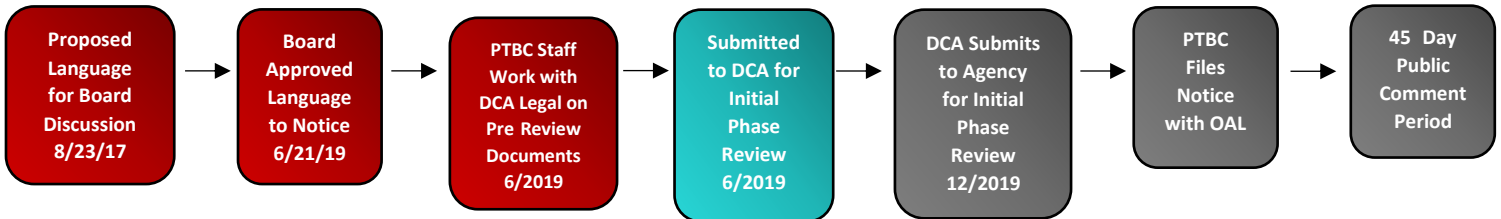
Final Phase:



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. Legal provided Board staff with their suggested edits mid-February and staff submitted the rulemaking file for initial phase review June 2020. On July 20, 2020 PTBC withdrew the rulemaking documents due to lack of necessity.

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

Initial Phase:



Final Phase:

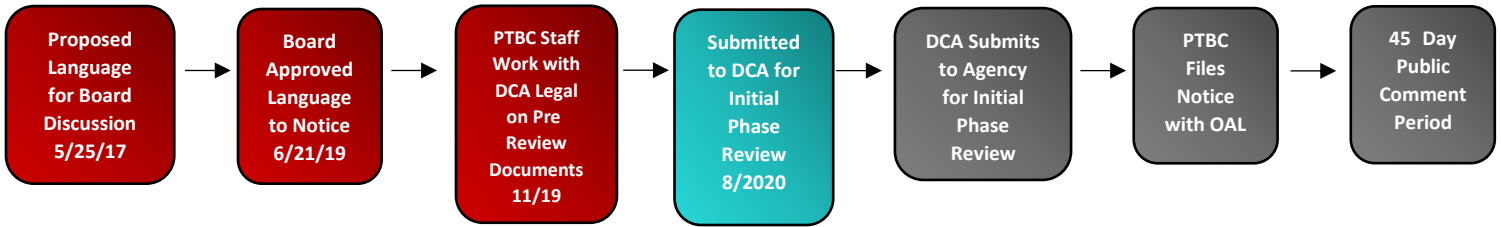


Notes: This regulation proposes to amend CCR 1399.15, Article 13, Division 13.2 of Title 16 to incorporate by reference the 6th Edition Disciplinary Guidelines (Revised June 2019) replacing the 5th Edition Disciplinary Guidelines (Revised December 2013). Proposed regulatory language was presented at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

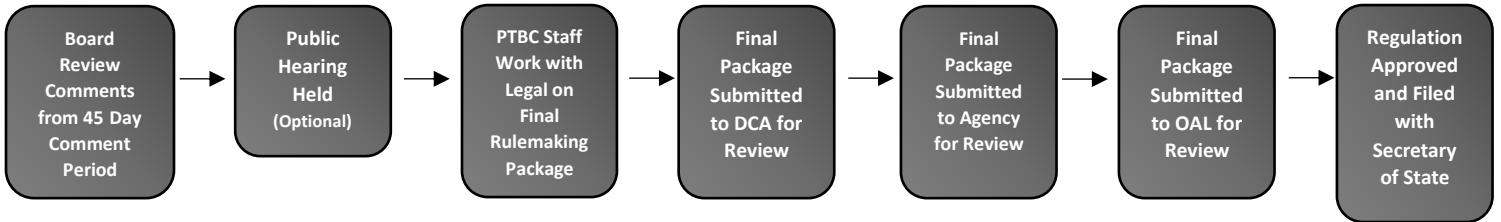
2020 Rulemaking Update

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

Initial Phase:



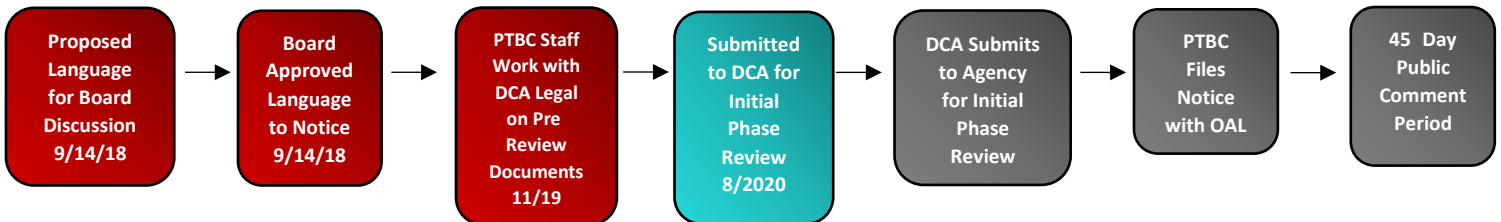
Final Phase:



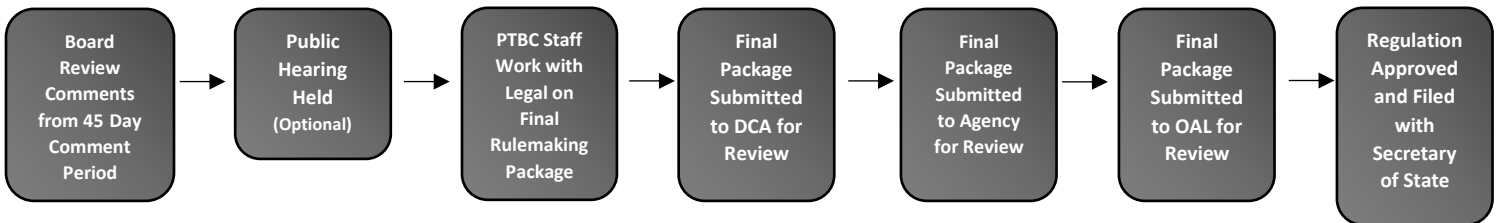
Notes: This regulation proposes to amend CCR 1398.26.1, Article 2, Division 13.2 of Title 16 to restructure the Coursework Tools (CWT's) into an outline format for reading ease; adds CWT 6; provides the general rule for PTs in subdivision (b); addresses the acceptance of CWT 6 in subdivision (c), adds 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. In August 2020, PTBC staff forwarded the initial rulemaking package 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 worked with DCA Legal on the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) in August 2020, PTBC staff submitted the initial rulemaking package to DCA Legal for review.

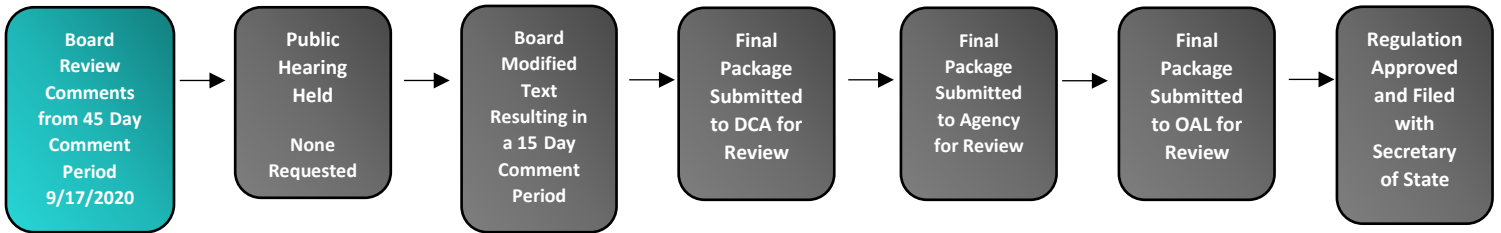
2020 Rulemaking Update

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

Initial Phase:



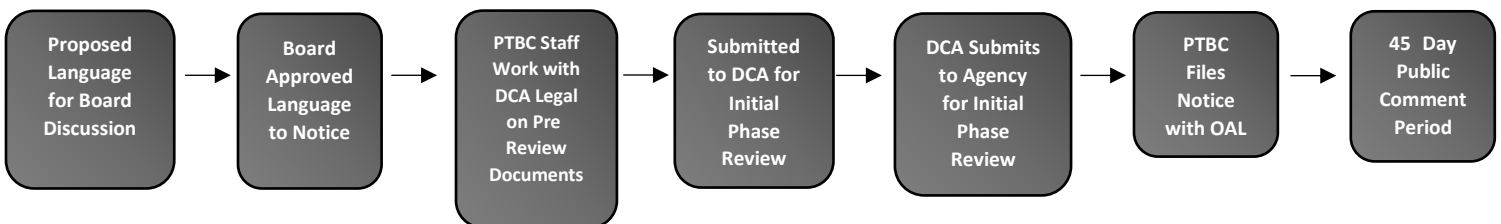
Final Phase:



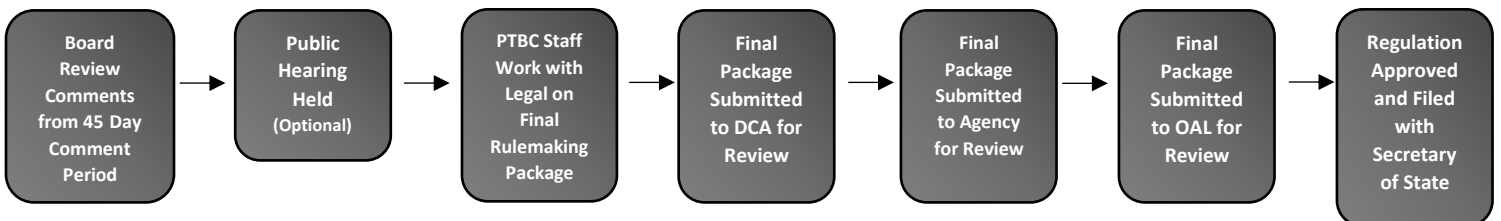
Notes: This regulation proposes to amend CCR 1399.20, 1399.21 and 1399.22, Article 8, Division 13.2 of Title 16. AB 2138 (Chiu, Chapter 995, Statutes of 2018) requires that the Board promulgate regulations by July 1, 2020 to implement, interpret and make specific BPC Sections 141, 480, 481, 482, 488, 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. On December 26, 2019 the initial rulemaking package was submitted to Agency for review and February 2020 Agency provided the Board with non-substantive edits to the Fiscal Impact Statement, Initial Statement of Reasons and Notice. PTBC staff worked with DCA Legal on addressing these edits and submitted the package back to Agency for review and it was approved on April 16, 2020. The initial rulemaking file was published by OAL on June 26, 2020 and the 45- day public comment ended on August 21, 2020. The Board will review written comments received under Agenda Item 11(B).

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 2020 Rulemaking Calendar that was adopted at the Board meeting on December 12, 2019. PTBC staff are in the process of researching and developing proposed language for consideration by the Board at a future meeting date.

Processing Times

- A rulemaking file must be completed within one year of the publication date of the Notice of Proposed Action. The OAL issues the Notice File Number upon filing the Notice of Proposed Action.
- The DCA is allowed thirty calendar days to review the rulemaking file prior to submission to the Department of Finance (DOF).
- The DOF is allowed thirty days to review the rulemaking file prior to submission to the OAL.
- The OAL is allowed thirty working days to review the file and determine whether to approve or disapprove it. The OAL issues the Regulatory Action Number upon submission of the rulemaking file for final review.
- Pursuant to Government Code section 11343.4, as amended by Section 2 of Chapter 295 of the Statutes of 2012 (SB 1099, Wright), regulation effective dates are as follows:

Date Filed with the Secretary of State	Effective Date
September 1 st – November 30 th	January 1 st
December 1 st – February 29 th	April 1 st
March 1 st – May 31 st	July 1 st
June 1 st – August 31 st	October 1 st



Briefing Paper

Date: August 26, 2020

Agenda Item 11(B)

Prepared for: PTBC Members

Prepared by: Clay Jackson

Subject: Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations Regulation

Purpose:

To provide an update on the AB 2138 Regulation Package.

Attachments: [1. Proposed Regulatory Amendments](#)
[2. Text of AB 2138 \(Chapter 995, Statutes of 2018\)](#)

Summary:

This proposal will initiate an ongoing rulemaking action implementing additional changes to the text of Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018) that have been negotiated between the Department of Consumer Affairs (DCA) and the Office of Administrative Law (OAL) following the Board's prior approval of language for its current regulatory sections in this regard.

Background:

Existing law (Business and Professions Code section 480) previously authorized the Board to deny an application for licensure based on a conviction for a crime or act that was substantially related to the licensed business or profession. Likewise, Section 490 authorized the Board to suspend or revoke a license on the basis that the licensee was convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession.

The Legislature's intent in enacting AB 2138 was "to reduce licensing and employment barriers for people who are rehabilitated." Section 480 was amended to restrict the Board's ability to use prior convictions or acts when denying licenses. Beginning on July 1, 2020, the Board may not deny a license to an applicant because the applicant was convicted of a crime, professional misconduct or acts underlying the conviction, if the

applicant has a certificate of rehabilitation, was granted clemency, made a showing of rehabilitation, or the conviction was dismissed or expunged, in most cases.

At its June 2019 Board Meeting, The Board approved regulatory language to implement AB 2138 (Chiu, Chapter 995, Statutes of 2018). Key provisions of that Bill, which became effective on July 1, 2020, are as follows:

- Only Permits a board to deny a license on grounds that an applicant has been convicted of a crime or has been subject to formal discipline if either of these are met (Business and Professions Code (BPC) §480(a):
 1. The conviction was within 7 years of the date of the application and is substantially related to the qualifications, functions, or duties of the profession. The 7-year limit does not apply to convictions for a serious felony (defined in Penal Code §1192.7), or for those who must register as a sex offender as described in Penal Code §290(d)(2) or (3).
 2. The applicant has been subject to formal discipline by a licensing board within the past 7 years for professional misconduct that would have been cause for disciplinary action by the Board and is substantially related to the profession. (The prior disciplinary action cannot be used to deny if it was based on a dismissed or expunged conviction.)
- Prohibits a board from requiring that an applicant for licensure disclose information about his or her criminal history. However, a board is permitted to request it for the purpose of determining substantial relationship or evidence of rehabilitation. In such a case, the applicant must be informed that the disclosure is voluntary and failure to disclose will not be a factor in a board's decision to grant or deny an application. (BPC §480(f)(2)).
- Requires each board to develop criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the profession. These criteria will aid the board when considering the denial, suspension, or revocation of a license. The criteria must include all of the following (BPC §481):
 1. The nature and gravity of the offense.
 2. The number of years elapsed since the date of the offense.
 3. The nature and duties of the profession in which the applicant seeks licensure or is licensed.

- Prohibits a board from denying a license based on a conviction without considering evidence of rehabilitation. (BPC §481).
- Requires each board to develop criteria to evaluate rehabilitation when considering denying, suspending, or revoking a license. A showing of rehabilitation shall be considered if the applicant or licensee has completed their criminal sentence without a violation of parole or probation, or if the board finds its criteria for rehabilitation has been met. (BPC §482).

Status of the Regulatory Proposal:

Our current AB 2138 rulemaking package does not meet the procedural requirements of the Administrative Procedure Act, as determined by the Office of Administrative Law (OAL). Additionally, it requires changes to the text that require new Board action. Staff recommends that the current rulemaking package be amended in place of the current package.

Because the AB 2138 regulations must be completed by each board and bureau under DCA, DCA Legal prepared a basic template of the required amendments for all boards and bureaus to use in January 2019. DCA Legal recommended boards and bureaus use the template as a starting point, making modifications as needed to meet each practice act's unique needs. Board staff used the DCA template to draft the regulations, making modifications as needed.

In November 2019, the Veterinary Medical Board's (VMB) AB 2138 regulation package was the first to go to OAL for final review. However, upon review of the VMB package, OAL advised the VMB that it would require several text changes in order for the package to be approved. OAL advised the VMB that while several of the required changes were likely non-substantive, other recommended revisions would be considered substantive (which meant they needed to go back to their board for approval, and then to a 15-day public comment period.)

Based upon these recommendations, the VMB ended up withdrawing their initial AB 2138 regulations from OAL and taking the proposed text changes (that were negotiated between DCA Legal and OAL) back to their board for consideration and approval. The revised VMB regulations were resubmitted in June 2020 to OAL for reconsideration. This proposal accounts for the items that VMB was advised to address.

Modifications to the AB 2138 Regulatory Text:

Based upon the changes made in Veterinary Medical Board's AB 2138 regulations and following consultation with DCA Legal, staff made the proposed revisions to the Board's AB 2138 regulation text, as set forth in the attached text. The reasons for each of the revisions are set forth in the comments to the text revisions, so that the Board can more easily review and understand each comment and the nature of it; i.e., whether it is a substantial or non-substantial revision, which will require its further action.

Recommendation:

All of the listed changes correspond to those negotiated between OAL and DCA. The new language largely provides additional clarity over the previous iterations. The Board also has the option of adding the section related to its unprofessional conduct section, to this version of the text, so that the categories listed, therein, will be considered to be substantially related for the purpose of denial, suspension, or revocation of a license pursuant to Section 141, Division 1.5, or BPC Section 2660 (Unprofessional Conduct).

Motion:

If the language is approved, as recommended, the motion will be as follows:

“Approve the proposed regulatory text for Title 16, CCR sections 1399.20, 1399.21, and 1399.22, and direct staff to submit the text to the Director of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to amend the preceding rulemaking package, initiate a revised rulemaking process, make any non-substantive technical or grammatical changes to the package, and set the matter for hearing.”

PHYSICAL THERAPY BOARD OF CALIFORNIA

PROPOSED LANGUAGE

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

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

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

§ 1399.20. Substantial Relationship Criteria.

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

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

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

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

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

(1) The nature and gravity of the offense;

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

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

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

Commented [JC1]: This is being added based on an OAL edit to another client's similar or identical AB 2138 regulation. OAL added it so that references to substantial relationship could be addressed together in one regulation.

OAL views this as a substantial change.

Commented [JC2]: Non-substantial change required by OAL.

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

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

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

(b) ~~If subdivision (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a).~~ If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a), the denial is based on professional misconduct, or the denial is based on one or more grounds specified in Sections 2660, 2660.2, 2660.5, 2660.7, the board shall apply the following criteria in evaluating an applicant's rehabilitation. ~~The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:~~

- (1) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.
- (b) (2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
- (c) (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subsections (a) or (b) subparagraph divisions (1) or (2).
- (d) (4) Whether The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) The criteria in subsection divisions (a)(1) to (5), as applicable.
- (e) (6) Evidence, if any, of rehabilitation submitted by the applicant.

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

Commented [JC3]: Non-substantial change.

Commented [JC4]: OAL believed that the term "eligible" was unclear, in that OAL believed it could be viewed as referring to other eligibility requirements for licensure, rather than referring to fitness or suitability for licensure.

Non-substantial change

Commented [JC5]: OAL viewed the stricken text to be unclear in specifying the circumstances when the regulation would apply. OAL changed the text from a catch-all approach to where each application is specified. The cited sections are an exhaustive list of the sections that authorize the Board to deny a license.

Edits in gray are non-substantial. The edits in blue are substantial changes.

Commented [JC6]: Addition of "professional misconduct" is a non-substantial change.

Commented [JC7]: Substantial change. Due to the addition of the practice act references in paragraph (b), OAL considered this to be a necessary conforming change to account for the additional grounds for denial apart from section 480.

§ 1399.22. Rehabilitation Criteria for Suspensions or Revocations.

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

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

(b) ~~If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee did not make a showing of rehabilitation based on the criteria in subsection (a), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 2660.2, 2660.5, 2660.7 of the code, the board shall apply the following criteria in evaluating the licensee's rehabilitation: If subdivision (a) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating a licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the licensee is rehabilitated:~~

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

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

Commented [JC8]: No comment from OAL on this, but I say this is a non-substantial change.

Commented [JC9]: Edits in gray are non-substantial. The edits in blue are substantial changes.

Commented [JC10]: OAL viewed the stricken text to be unclear in specifying the circumstances when the regulation would apply. OAL changed the text from a catch-all approach to where each application is specified. The cited sections are an exhaustive list of the sections that authorize the Board to discipline a license.

Edits in gray are non-substantial. The edits in blue are substantial changes.

Commented [JC11]: Non-substantial change.

Commented [JC12]: Non-substantial change.

Assembly Bill No. 2138

CHAPTER 995

An act to amend, repeal, and add Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of, and to add Section 480.2 to, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 30, 2018. Filed with
Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2138, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except as specified. The bill would prohibit a board from

denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill would require the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill would require a board to consider whether a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill would revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.

This bill would clarify that the existing above-described provisions continue to apply to the State Athletic Commission, the Bureau for Private Postsecondary Education, and the California Horse Racing Board.

This bill would also make necessary conforming changes.

This bill would make these provisions operative on July 1, 2020.

The people of the State of California do enact as follows:

SECTION 1. Section 7.5 of the Business and Professions Code is amended to read:

7.5. (a) A conviction within the meaning of this code means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) of Section 480.

Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 2. Section 7.5 is added to the Business and Professions Code, to read:

7.5. (a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) (1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(A) The State Athletic Commission.

(B) The Bureau for Private Postsecondary Education.

(C) The California Horse Racing Board.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

(d) This section shall become operative on July 1, 2020.

SEC. 3. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 4. Section 480 is added to the Business and Professions Code, to read:

480. (a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

- (i) Chapter 1 (commencing with Section 5000) of Division 3.
- (ii) Chapter 6 (commencing with Section 6500) of Division 3.

- (iii) Chapter 9 (commencing with Section 7000) of Division 3.
- (iv) Chapter 11.3 (commencing with Section 7512) of Division 3.
- (v) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.
- (vi) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing

with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) “Conviction” as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(j) This section shall become operative on July 1, 2020.

SEC. 5. Section 480.2 is added to the Business and Professions Code, to read:

480.2. (a) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the grounds that the applicant has one of the following:

- (1) Been convicted of a crime.
- (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- (3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board to evaluate the rehabilitation of a person when considering the denial of a license under paragraph (1) of subdivision (f).

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the ground that the applicant knowingly made a false

statement of fact that is required to be revealed in the application for the license.

(e) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(f) (1) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to evaluate the rehabilitation of a person either when:

(A) Considering the denial of a license under this section.

(B) Considering suspension or revocation of a license under Section 490.

(2) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(g) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board, in its discretion, may deem proper.

(h) Notwithstanding any other law, in a proceeding conducted by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(i) Notwithstanding Section 7.5, a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the Bureau for Private Postsecondary

Education, the State Athletic Commission, or the California Horse Racing Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(j) This section shall become operative on July 1, 2020.

SEC. 6. Section 481 of the Business and Professions Code is amended to read:

481. (a) Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 7. Section 481 is added to the Business and Professions Code, to read:

481. (a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

- (1) The nature and gravity of the offense.
- (2) The number of years elapsed since the date of the offense.
- (3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation submitted by an applicant pursuant to any process established in the practice act or regulations of the particular board and as directed by Section 482.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(f) This section shall become operative on July 1, 2020.

SEC. 8. Section 482 of the Business and Professions Code is amended to read:

482. (a) Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(1) Considering the denial of a license by the board under Section 480;
or

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 9. Section 482 is added to the Business and Professions Code, to read:

482. (a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall consider whether an applicant or licensee has made a showing of rehabilitation if either of the following are met:

(1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.

(2) The board, applying its criteria for rehabilitation, finds that the applicant is rehabilitated.

(c) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(d) This section shall become operative on July 1, 2020.

SEC. 10. Section 488 of the Business and Professions Code is amended to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 11. Section 488 is added to the Business and Professions Code, to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(c) This section shall become operative on July 1, 2020.

SEC. 12. Section 493 of the Business and Professions Code is amended to read:

493. (a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(b) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 13. Section 493 is added to the Business and Professions Code, to read:

493. (a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

- (B) The number of years elapsed since the date of the offense.
- (C) The nature and duties of the profession.
- (2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.
- (c) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”
- (d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:
 - (1) The State Athletic Commission.
 - (2) The Bureau for Private Postsecondary Education.
 - (3) The California Horse Racing Board.
- (e) This section shall become operative on July 1, 2020.

SEC. 14. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. Notwithstanding subdivision (c) of Section 480, if the individual’s felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 15. Section 11345.2 is added to the Business and Professions Code, to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual’s felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser

refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become operative on July 1, 2020.

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Briefing Paper

Date: September 3, 2020

Prepared for: PTBC Members

Prepared by: Clay Jackson

Subject: 1399.15, Guidelines for Issuing Citations and Imposing Discipline (Guidelines)

Purpose: To propose revisions to the language of the Guidelines for Issuing Citations and Imposing Discipline included by reference in section 1399.15 of Article 8, Division 13.2, Title 16 of the California Code of Regulations

Attachments: [Modified Language](#)

Background:

The Board initially adopted into regulation the “Model Guidelines for Imposing Discipline” in July 1997. The Board has since adopted language modifying the title and content of the Guidelines into regulation on four separate occasions.

The Board has considered proposed language modifications to address current issues identified by staff and counsel at the August 2017, November 2017, March 2018 and the June 2019 meetings. Board staff modified the language adopted by the Board at said meetings accordingly and referred the materials to the Department of Consumer Affairs’ to begin the Initial Phase of the review in June 2019. In the most recent review, two sections were identified for modification and require consideration for adoption by the Board. They are as follows:

“SUBSTANCE ABUSE REHABILITATION PROGRAM - OVERVIEW OF PARTICIPANT REQUIREMENTS & AND COSTS”

Staff is proposing to delete all reference to costs associated with the Substance Abuse Rehabilitation Program to avoid having to amend California Code of Regulation section 1399.15 each time the costs escalate. The costs are set by the contracted vendor of the program and not by the Board.

PROBATION CONDITIONS SPECIFIC TO VIOLATION

New section "BB." Biological Fluid Testing – language was stricken in error. Staff is proposing to restore it back to its original state.

Action Requested:

If the language is approved as proposed, the motion is as follows:

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

SUBSTANCE ABUSE REHABILITATION PROGRAM

Monthly Administrative Fee: The participant shall pay the monthly administrative fee directly to the rehabilitation program. ~~The monthly administrative fee is currently \$288. The monthly administrative fee may increase 3-5% annually each July. Costs Fees are dependent on the contracted costs. For additional information, please visit <https://www.ptbc.ca.gov/licensees>~~

Random Biological Testing (RBT) & Fee: ~~Currently the average cost of each RBT is approximately \$60.00 plus the collection fee at the testing site which can cost up to \$125.00 and possibly more if the applicant is required to test on a weekend. Additionally, there are charges for the medical review officer (MRO) who reviews any positive drug test results, at the Board's request. Medical reviews are usually a direct result of problematic (i.e. positive) RBT results.~~

~~The participant is required to pay the RBT at a fee set by the rehabilitation program. The frequency of testing can vary and is scheduled randomly throughout the year, including weekends and holidays. For additional information, please visit <https://www.ptbc.ca.gov/licensees>~~

Professional Support Group Meeting Fees: The participant pays the monthly support group meeting fees directly to the support group facilitator. Support groups all charge different fees and negotiate directly with the participant. ~~For additional information, please visit <https://www.ptbc.ca.gov/licensees>. Average costs range from \$200-\$500 monthly. Participants may be required to attend support groups once or twice weekly.~~

XBB. Biological Testing

Respondent shall immediately submit to ~~and pay for~~ any random and directed biological fluid or hair sample, breath alcohol, or any other mode of testing required by the Board, or its designee. All examination(s) and laboratory testing costs associated with this condition shall be paid by Respondent.

Respondent shall be subject to a minimum range of fifty-two (52), ~~but not to exceed, to~~ one-hundred and four (104) random tests, per year, within the first year of probation, and a minimum range of thirty-six (36) ~~to one-hundred and four (104)~~ random tests, per year, thereafter, for the duration of the probationary term. However, in cases where there is evidence that the Respondent has participated in a treatment or monitoring program requiring random testing, prior to being subject to testing by the Board, the Board may give consideration to ~~that testing in~~ altering the testing frequency schedule so that it is equivalent to this standard.

Respondent shall make daily contact, as directed by the Board, to determine if ~~he or she~~ the Respondent must submit to drug testing. To ensure test results are sent immediately to the Board, Respondent shall have the test performed by a Board-approved laboratory, that is certified and accredited by the U.S. Department of

Commented [YE1]: Staff is proposing to delete all reference to costs associated with the Substance Abuse Rehabilitation Program to avoid having to amend California Code of Regulation section 1399.15 each time the costs escalate. The costs are set by the contracted vendor of the program and not by the Board.

Commented [YE2]: Same as above.

Commented [YE3]: Same as above.

Health and Human Services, on the same day that ~~he or she~~ the Respondent is notified that a test is required. ~~This shall ensure that the test results are sent immediately to the Board. Failure to comply~~ If Respondent fails to comply within the time specified, it shall be considered an admission of a positive drug screen and constitute a violation of probation. If ~~the~~ a urine test results in a determination that the urine was too diluted for testing, the result shall be considered an admission, by Respondent, of a positive urine screen and constitutes a violation of probation.

If a positive result is obtained, the Board may order suspend Respondent to cease all practice, and require Respondent to immediately undergo a physical examination and complete laboratory or diagnostic testing to determine if any underlying physical condition has contributed to the diluted result ~~and to suspend Respondent's license to practice. Any such examination or laboratory and testing costs shall be paid by Respondent.~~ A positive result in this case, is one which, based on scientific principles, indicates Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease practicing. Respondent shall not resume practice until notified by the Board. If Respondent tests positive for a banned substance, Respondent shall be contacted and instructed to leave work and ordered to cease all practice. Respondent shall not resume practice until notified by the Board. All alternative drug testing sites, due to vacation or travel outside of California, must be approved by the Board prior to the vacation or travel.

[Optional language: This condition may be waived or modified by the ~~Board's~~ Probation Monitor or its designee upon a written finding by the Clinical Diagnostic Evaluator that Respondent is not a substance abusing licensee.]

The "Exceptions to Testing Frequency Schedule" identified in Uniform Standard #4 apply.

Commented [YE4]: Previous proposed language replaced the word "diluted" with "positive" in this sentence; however, after further review, it was noted this change of the word would lose its ability to differentiate the intent.

Commented [YE5]: Previous proposal struck this section of the paragraph in error because it was thought to be duplicative; therefore, proposing to restore the language to its original state.



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Briefing Paper

Agenda Item 12(A)

Date: August 21, 2020

Prepared for: PTBC Members

Prepared by: Kenneth Meiss, Budget Liaison

Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activities for Q4, CY2019-20 (year-end).

Attachments: [1. Budget Expenditure Report](#)
[2. 3 Year Expenditure Milestone Report](#)
[3. Budget Revenue Report](#)
[4. 3 Year Revenue Milestone Report](#)
[5. Fund Condition](#)

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).

CY2019-20, according to the Governor's Budget, the PTBC is authorized \$5,543,000 which includes personnel services, operating expenses and equipment, and 25.1 positions to support program requirements. The Operating Expenses and Equipment (OE&E) budget is \$5,543,000, a 15% increase from \$4,715,000 over last fiscal year (2018-19) budget allotment.

On 3/27/20, the DCA Budget Office initiated COVID-19 cost tracking. This initiative directs the PTBC to track all costs associated with COVID19, including staff work hours spent on COVID19. During Q4, PTBC staff has expended 90+hours working on COVID-19 related issues. One of PTBC's employees has been exclusively working on contact tracing for COVID-19; therefore, devoting approximately 176 hours for Q4. As a result of one of PTBC's staff members exclusively working on contact tracing, our applications analyst has expended 15 hours of overtime to handle the backlog of normal staff work which was redirected to COVID-19 Contact Tracing.

Analysis:

PTBC expended \$985,135 in Q4 (CY19-20), a 0.004% decrease from \$1,190,947 expenditure over Q4 last fiscal year (FY18-19). The preliminary year-end expenditure for CY19-20 was \$4,078,673, and the preliminary year-end expenditure FY18-19 was \$4,559,060. It should be noted, the year-end report reflects data through June 30, 2020.

PTBC collected \$ 938,872 during Q4 CY19-20 and \$1,165,919 last fiscal year (18-19). Overall, PTBC collected \$5,448,260 in revenues year-end (CY19-20) and 6,244,448 last fiscal year (18-19), this data reflects through 5/31/20 due to Fi\$cal reporting issues. Historically, the PTBC revenues increase by at least 1-2%.

Action Requested: No action requested.

Expenditure Statistics Report

Budget Line Items	FY 2018-19		CY (2019-20)							
	Q4	YTD	Authorized	Q1	Q2	Q3	Q4	YTD	Percent	Balance
	Apr Jun	(As of 06/30/19)	Budget	Jul - Sep	Oct Dec	Jan Mar	Apr Jun	(As of 05/30/20)	Budget Spent	Remaining
PERSONNEL SERVICES	PRELIMINARY									
Civil Services Permanent	325,967	1,295,681	1,502,000	325,753	340,598	364,250	244,850	1,275,451	85%	226,549
Temp help	43,259	147,771	0	35,104	39,095	28,496	9,172	111,867	-	(111,867)
Statutory Exempt	25,365	101,460	77,000	26,253	26,253	26,253	17,502	96,261	125%	(19,261)
Board Members	22,100	56,800	12,000	9,400	13,600	10,800	6,300	40,100	334%	(28,100)
Overtime	0	5,700	0	0	0	0	0	0	-	0
Staff Benefits	234,801	926,865	996,000	238,498	252,533	429,799	277,824	1,198,654	120%	(202,654)
TOTAL PERS SVS	651,492	2,534,277	2,587,000	635,008	672,080	693,751	445,097	2,445,936	95%	(135,333)
OPERATING EXPENSES & EQUIPMENT										
General Services Totals	246,248	802,519	559,400	59,564	82,395	85,349	121,894	349,202	62%	210,198
Fingerprints	11,873	37,948	99,000	5,618	8,703	9,679	4,900	28,900	29%	70,100
General Expense	10,485	20,914	18,000	1,653	4,108	7,057	110	12,928	72%	5,072
Minor Equipment	936	20,409	38,000	910	910	2,051	1,580	5,451		32,549
Major Equipment	0	0	18,000	0	0	0	36,742	36,742	-	(18,742)
Printing	7,857	19,460	13,000	5,369	7,063	7,380	4,377	24,189	186%	(11,189)
Communications	3,317	9,468	13,000	1,004	2,612	2,918	2,072	8,606	66%	4,394
Postage	10,698	10,707	7,000	0	0	0	0	0	0%	7,000
Insurance	7,407	7,454	0	0	0	0	0	0	-	0
Travel in State	4,896	12,758	58,000	1,523	9,183	4,004	40,845	55,555	-	2,445
Training	205	825	12,000	0	0	0	0	0	0%	12,000
Facilities Operations	29,188	115,900	118,000	28,354	28,588	29,303	16,930	103,175	87%	14,825
C&P SRVS Internal	137,048	469,454	12,000	0	304	558	728	1,590	13%	10,410
C&P Services External	22,338	77,222	153,400	15,133	20,924	22,399	13,610	72,066	47%	81,334
Departmental Services Totals	155,668	950,022	991,000	0	465	8,964	2,626	12,055	1%	978,945
OIS Pro Rata	95,500	573,000	0	0	0	0	0	0	0%	0
Indirect Distributed Cost	55,667	334,000	0	0	0	0	0	0	0%	0
Interagency Services	0	925	37,000	0	0	0	0	0	0%	37,000
Communications Pro Rata	3,333	20,000	0	0	0	0	0	0	0%	0
PPRD Pro Rata	3,167	19,000	928,000	0	0	0	0	0	0%	928,000
Consolidated Data Center	0	0	10,000	0	0	8,862	0	8,862	89%	1,138
Data Processing	-1,999	3,097	16,000	0	465	102	2,626	3,193	20%	12,807
Central Admin SRVS Pro Rata	0	0	0	0	0	0	0	0	-	0
Exams Totals	2,783	6,470	6,600	0	2,479	1,588	0	4,067		0
Exam Administrative External	2,783	6,470	6,600	0	2,479	1,588	0	4,067		0
Enforcement Totals	395,709	836,821	1,498,000	111,648	221,826	178,327	421,839	1,303,974	87%	564,360
Attorney General	110,098	406,603	771,000	73,645	142,267	96,576	139,817	452,305	59%	318,695
Office of Admin Hearings	26,950	62,760	110,000	0	15,200	2,050	18,725	35,975	33%	74,025
Evidence/Witness	23,364	52,185	100,000	3,769	17,779	22,141	15,075	58,764	59%	41,236
Court Reporters	1,297	3,273	0	275	2,950	988	0	4,213	-	(4,213)
DOI Investigation/Prorata	234,000	312,000	517,000	33,959	43,630	56,572	248,222	382,383	74%	134,617
TOTAL OE & E	0	2,595,832	3,055,000	378,445	557,064	511,843	546,359	1,669,298	55%	1,753,503
TOTALS, PERS SVS/OE&E	651,492	5,130,109	5,642,000	1,013,453	1,229,144	1,205,594	991,456	4,115,234	73%	1,618,170
*Fingerprint Reimbursements	30,674	46,795	-97,000	(10,094)	(9,849)	(10,297)	(6,321)	(36,561)	38%	0
*Other Scheduled Reimbursements		81,065	-2,000	0	0	0	0	0		
TOTAL REIMBURSEMENTS	3,844	127,860	-99,000	(10,094)	(9,849)	(10,297)	(6,321)	(36,561)		
TOTALS, PERS SVS/OE&E (-REIM)	1,190,947	4,559,060	5,543,000	1,003,359	1,219,295	1,195,297	985,135	4,078,673	74%	1,618,170

*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).

Expenditure Statistics Report			
Budget Line Items	FY2017/18	FY2018/19	FY2019/20
	As of 06/30/17	(As of 06/30/18)	(As of 05/31/20)
PERSONNEL SERVICES	ACTUAL	ACTUAL	PRELIMINARY
Civil Services Permanent	1,189,688	1,295,681	1,275,452
Temp help	114,857	142,445	111,867
Statutory Exempt	98,566	101,460	96,261
Board Members	44,100	56,800	40,100
Overtime	76,864	0	0
Staff Benefits	745,288	913,190	1,488,577
TOTAL PERS SVS	2,269,363	2,509,576	2,445,936
OPERATING EXPENSES & EQUIPMENT			
General Services Totals	509,102	344,610	349,202
Fingerprints	32,066	38,118	28,900
General Expense	19,841	18,123	12,928
Minor Equipment	1,061	20,409	5,451
Major Equipment	0	32,812	36,742
Printing	31,055	8,706	24,189
Communications	8,234	10,707	8,606
Postage	19,092	7,454	0
Insurance	6,310	10,844	0
Travel in State	17,294		55,555
Training	0	1,825	0
Facilities Operations	315,350	116,200	103,175
C&P Services Interdepartmental	0	91	1,590
C&P Services External	58,420	79,321	72,066
Departmental Services Totals	990,459	960,022	381,201
OIS Pro Rata	598,000	573,000	0
Indirect Distributed Cost	302,000	334,000	0
Interagency Services	37,000	925	0
DOI Pro Rata	7,000	10,000	369,146
Communications Pro Rata	18,000	20,000	0
PPRD Pro Rata	19,000	19,000	0
Consolidated Data Center	9,459	0	8,862
Data Processing	0	3,097	3,193
Central Admin Services Pro Rata	0	0	0
Exams Totals	1,934	0	0
Exam Administrative External	1,934	0	0
Enforcement Totals	1,186,964	872,713	1,303,974
Attorney General	332,901	429,732	452,305
Office of Admin Hearings	60,665	70,840	35,975
Evidence/Witness	33,398	53,161	58,578
Court Reporters	3,000	6,980	4,213
DOI Investigation	757,000	312,000	752,903
TOTAL OE & E	2,688,459	2,177,345	2,034,377
TOTALS, PERS SVS/OE&E	4,957,822	4,686,921	4,480,313
Scheduled Reimbursements	-47,922	-46,795	-3,325
Un-Scheduled Reimbursements	-138,954	-81,065	0
TOTAL REIMBURSEMENTS	-186,876	-127,860	-3,325
TOTALS, PERS SVS/OE&E (-REIM)	4,770,946	4,559,061	4,476,988

*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).

Revenue Statistics Report

Budget Line Items	FY 2018-19		CY 2019-20				YTD (As of 5/31/20) (PRELIMINARY)
	Q-4	YTD	Q1 Jul - Sep	Q2 Oct - Dec	Q3 Jan - Mar	Q4 Apr - Jun	
Cite and Fine (Citations)	4,100.00	16,875.00	8,050.00	8,000.00	16,500.00	4,750.00	37,300.00
Endorsement (License Verification)	40,370.00	102,950.00	19,320.00	19,800.00	21,420.00	10,560.00	71,100.00
Duplicate License / Certificate	3,300.00	14,000.00	3,800.00	2,700.00	3,700.00	2,250.00	12,450.00
TOTALS	47,770	133,825	31,170.00	30,500.00	41,620.00	17,560.00	120,850.00
INITIAL APPLICATION & LICENSE							
FPTA Application & Initial License Fee	5,000.00	15,500.00	5800.00	5400.00	2100.00	3000.00	16300.00
FPT Application Fee	20,100.00	66,600.00	15900.00	14400.00	23749.00	8100.00	62149.00
ENMG Exam Fee	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ENMG Application Fee	0.00	0.00	150.00	0.00	0.00	0.00	0.00
KEMG Exam Fee	0.00	0.00	0.00	0.00	0.00	0.00	0.00
KEMG Application Fee	0.00	0.00	200.00	0.00	0.00	0.00	0.00
PTA Application & Initial License Fee	89,449.00	225,949.00	36000.00	57600.00	20700.00	53100.00	167400.00
PT Application Fee	168,600.00	512,700.00	137400.00	112950.00	97849.00	123900.00	472099.00
PT Initial License Fee	87,750.00	274,301.00	70950.00	62400.00	54150.00	63349.00	186994.00
<i>Refunded Reimbursements</i>	441.00	738.00	98.00	32.00	49.00	441.00	620.00
<i>Overt/Short Fees</i>	350.00	350.00	0.00	0.00	0.00	0.00	0.00
<i>Suspended Revenue</i>	3,468.00	350.00	5890.00	4370.00	5375.00	2920.00	18555.00
<i>Prior Year Revenue Adjustment</i>	4,135.00	16,458.00	3386.00	10560.00	960.00	1876.00	16782.00
TOTALS	379,293	1,112,946	275,774	267,712	204,932	256,686	1,005,104
LICENSE RENEWAL							
PTA Renewal Fee	152,151.00	989,601.00	194,600.00	258,861.00	268,088.00	143,100.00	864,649.00
PT Renewal Fee	486,000.00	3,769,700.00	790500.00	951150.00	973200.00	446250.00	3161100.00
ENMG	0.00	400.00	150.00	200.00	200.00	50.00	600.00
KEMG	100.00	500.00	200.00	200.00	200.00	200.00	800.00
<i>Automated Revenue Refund Claim</i>	0.00	300.00	0.00	0.00	0.00	0.00	0.00
<i>Overt/Short Fees</i>	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS	638,251	4,760,501	985,450	1,210,411	1,241,688	589,600	4,027,149
DELINQUENT LICENSE RENEWAL							
PTA Delinquent Fee	1,750.00	7,000.00	1,650.00	1,600.00	1,800.00	1,350.00	6,400.00
PT Delinquent Fee	6,700.00	24,750.00	7,350.00	4,700.00	6,750.00	5,400.00	24,200.00
EN Delinquent Fee	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EK Delinquent Fee	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS	8,450	31,750	9,000	6,300	8,550	6,750	30,600
MISCELLANEOUS							
Public Sales (142500)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Surplus Money Investments (150300)	57,600.00	99,088.00	1823.00	30196.00	31589.00	27186.00	90794.00
Attorney General Proceeds (160100)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Unclaimed/Cancelled Warrants (161000)	1,099.00	0.00	650.00	224.00	953.00	0.00	1827.00
Miscellaneous Income (161400)	0.00	0.00	0.00	150.00	0.00	0.00	150.00
TOTALS	58,699	99,088	2,473	30,570	32,542	27,186	92,771
SCHEDULED REIMBURSEMENTS							
Fingerprint Reports	12,103.00	46,648.00	10,094.00	9,849.00	10,927.00	6,321.00	37,191.00
External/Private/Grant	0.00	98.00	0.00	0.00	0.00	0.00	0.00
TOTALS	12,103	46,746	10,094	9,849	10,927	6,321	37,191
UNSCHEDULED REIMBURSEMENTS							
Investigative Cost Recovery - Investigations	17,181.00	60,858.00	26,555.00	16,023.00	47,723.00	32,535.00	122,836.00
Investigative Cost Recovery - Probation Monitoring	4,172.00	17,024.00	3,300.00	3,075.00	3,150.00	2,234.00	11,759.00
TOTALS	21,353	77,882	29,855	19,098	50,873	34,769	134,595
TOTAL REVENUES	1,165,919	6,244,448	1,343,816	1,574,440	1,591,132	938,872	5,448,260

Revenue Statistics Report

Budget Line Items	FY2017-18	FY2018-19	CY2019-20
	As of 6/30/18	As of 6/30/19	As of 5/31/20
OTHER REGULATORY			PRELIMINARY
Cite and Fine (Citations)	13,050	16,875	37,300.00
Endorsement (License Verification)	84,720	102,950	71,100.00
Duplicate License / Certificate	16,750	14,000	12,450.00
TOTALS	114,520	133,825	120,850
INITIAL APPLICATION & LICENSE			
FPTA Application & Initial License Fee	20,200	15,500	16300.00
FPT Application Fee	57,649	66,600	62149.00
ENMG Exam Fee	0	0	0
ENMG Application Fee	0	0	0
KEMG Exam Fee	0	0	0
KEMG Application Fee	0	0	0
PTA Application & Initial License Fee	205,451	225,949	167400.00
PT Application Fee	519,520	512,700	472099.00
PT Initial License Fee	275,320	274,301	186994.00
<i>Refunded Reimbursements</i>	1,058	738	620.00
<i>Over/Short Fees</i>	1,801	0	0
<i>Suspended Revenue</i>	22,263	350	18555.00
<i>Prior Year Revenue Adjustment</i>	11,366	16,458	16782.00
TOTALS	1,114,628	1,112,596	1,005,104
LICENSE RENEWAL			
PTA Renewal Fee	963,350	989,601	864,649.00
PT Renewal Fee	3,646,150	3,769,700	3161100.00
ENMG	650	400	600.00
KEMG	850	500	800.00
<i>Automated Revenue Refund Claim</i>	1,500	300	0
<i>Overt/Short Fees</i>	300	0	0
TOTALS	4,612,800	4,760,501	4,027,149
DELINQUENT LICENSE RENEWAL			
PTA Delinquent Fee	6,200	7,000	6,400.00
PT Delinquent Fee	22,400	24,750	24,200.00
EN Delinquent Fee	0	0	0
EK Delinquent Fee	0	0	0
TOTALS	28,600	31,750	30,600
MISCELLANEOUS			
Public Sales (142500)	0	0	0
Surplus Money Investments (150300)	43,041	99,088	90794.00

Attorney General Proceeds (160100)	0	0	0
Unclaimed/Cancelled Warrants (161000)	1,747	0	1827.00
Miscellaneous Income (161400)	665	0	150.00
TOTALS	45,453	99,088	92,771
SCHEDULED REIMBURSEMENTS			
Fingerprint Reports	47,775	46,648	37,191.00
External/Private/Grant	0	98	0
TOTALS	47,775	46,746	37,191
UNSCHEDULED REIMBURSEMENTS			
Investigative Cost Recovery - Investigations	107,176	60,858	122,836.00
Investigative Cost Recovery - Probation Monitoring	18,104	17,024	11,759.00
TOTALS	125,280	77,882	134,595
TOTAL REVENUES	6,068,065	6,244,448	5,448,260

0759 - Physical Therapy Analysis of Fund Condition

Prepared 8.5.2020

(Dollars in Thousands)

2020-21 Budget Act

+ 2019-20 FM 12 Projections

	ACTUAL 2018-19	PY 2019-20	BUDGET ACT CY 2020-21	BY 2021-22
BEGINNING BALANCE				
Prior Year Adjustment	\$ 2,477	\$ 4,073	\$ 4,609	\$ 4,601
Adjusted Beginning Balance	\$ 466	\$ -	\$ -	\$ -
	\$ 2,943	\$ 4,073	\$ 4,609	\$ 4,601
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 32	\$ 34	\$ 35	\$ 35
4127400 Renewal fees	\$ 4,760	\$ 5,006	\$ 4,926	\$ 4,926
4129200 Other regulatory fees	\$ 135	\$ 130	\$ 125	\$ 125
4129400 Other regulatory licenses and permits	\$ 1,089	\$ 1,078	\$ 1,144	\$ 1,144
4163000 Income from surplus money investments	\$ 99	\$ 86	\$ 76	\$ 65
4171400 Escheat of unclaimed checks and warrants	\$ 2	\$ 2	\$ -	\$ -
4172500 Miscellaneous revenues	\$ -	\$ 1	\$ -	\$ -
Totals, Revenues	\$ 6,117	\$ 6,337	\$ 6,306	\$ 6,295
Totals, Revenues and Transfers	\$ 6,117	\$ 6,337	\$ 6,306	\$ 6,295
Totals, Resources	\$ 9,060	\$ 10,410	\$ 10,915	\$ 10,896
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,550	\$ 5,378	\$ 6,021	\$ 6,202
8880 Financial Information System for California (State Operations)	\$ 1	\$ -1	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 41	\$ 89	\$ 89	\$ 89
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 395	\$ 335	\$ 204	\$ 204
Total Disbursements	\$ 4,987	\$ 5,801	\$ 6,314	\$ 6,495
FUND BALANCE				
Reserve for economic uncertainties	\$ 4,073	\$ 4,609	\$ 4,601	\$ 4,401
Months in Reserve	8.4	8.8	8.5	7.9

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR IN BY+1 AND ON-GOING..
- C. ASSUMES INTEREST RATE OF 1.5%



Briefing Paper

Agenda Item 12(B)

Date: September 17, 2020
Prepared for: PTBC Members
Prepared by: Kimberlie Rozakis (for April Beauchamps)
Subject: Outreach Report

Purpose: To provide PTBC's Outreach activities and statistics for (Q4) CY 2019/20.

Attachments:

- [1. Website Statistics](#)
- [2. Facebook Statistics](#)
- [3. Outreach 3-Year Milestone Report](#)

Background:

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

During Quarter (Q4) PTBC did not have any outreach events due to the COVID-19 pandemic.

CY 2019-20, the PTBC visited 12 out of 16 PT programs and 6 out of 16 PTA programs in California (year-end).

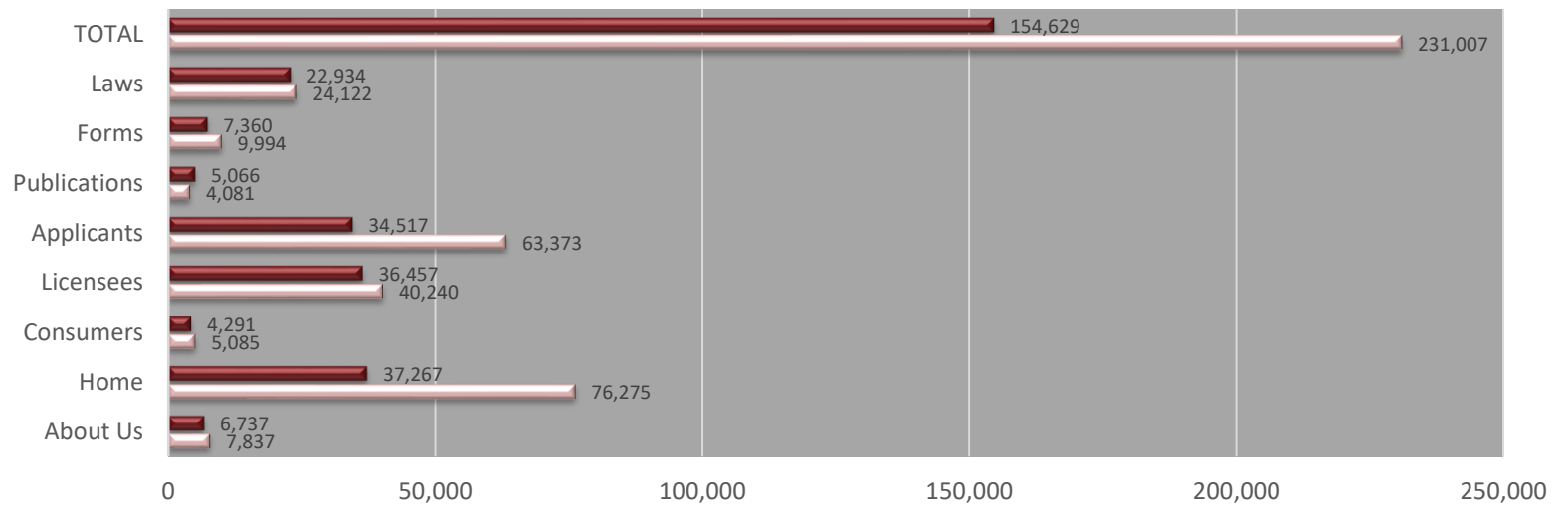
Analysis:

Website - PTBC had 37,267 web-hits through its home page tabs, resulting in an 51% decrease over last fiscal year (Q4). The "Home" section had the most significant decrease of 51% compared to prior fiscal year (Q4). The 3-year milestone shows that traffic overall decreased 24% from FY 2018-19 to CY 2019-20 (year-end).

Facebook¹ - PTBC had 22,054 people access (traffic) our FB page and we received 55 "likes". In comparison to last fiscal year (Q4), a 42% decrease in traffic. The 3-year milestone shows that Facebook traffic overall decreased 22% from FY2018-19 to FY2019-20 (year-end).

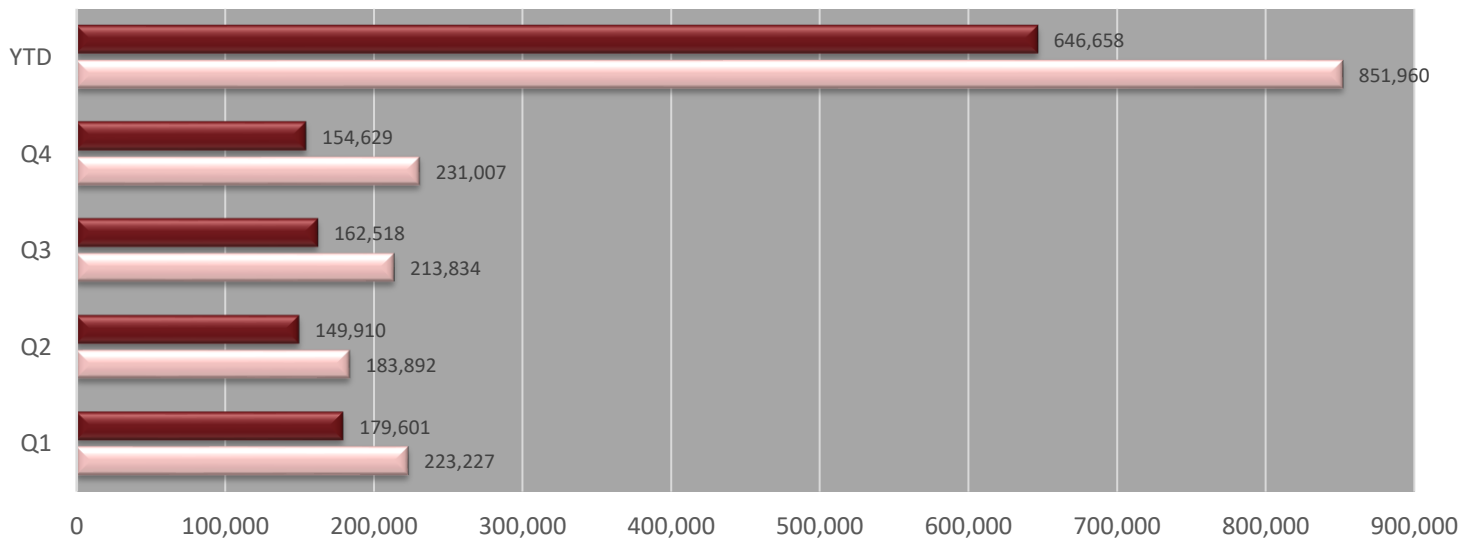
¹ **Facebook Insights Definitions:** **Likes**-Number of people who have liked the page. **Reached**-The number of people who have had any content from your page enter their screen. **Engaged Users**-Number of people who engaged with your page. **Consumers**-Number of people who click on any of your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

**Website Activity
 (Quarterly - Q4)**



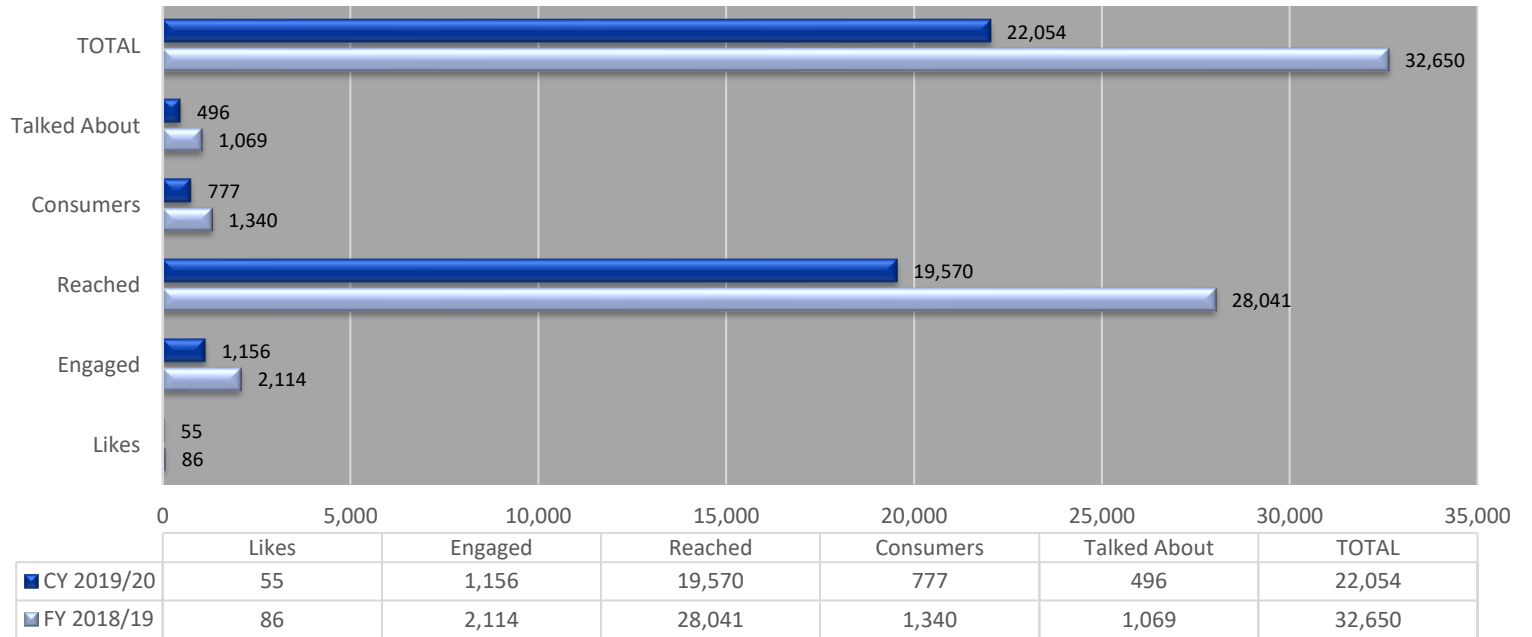
	About Us	Home	Consumers	Licensees	Applicants	Publications	Forms	Laws	TOTAL
■ CY 2019/20	6,737	37,267	4,291	36,457	34,517	5,066	7,360	22,934	154,629
■ FY 2018/19	7,837	76,275	5,085	40,240	63,373	4,081	9,994	24,122	231,007

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

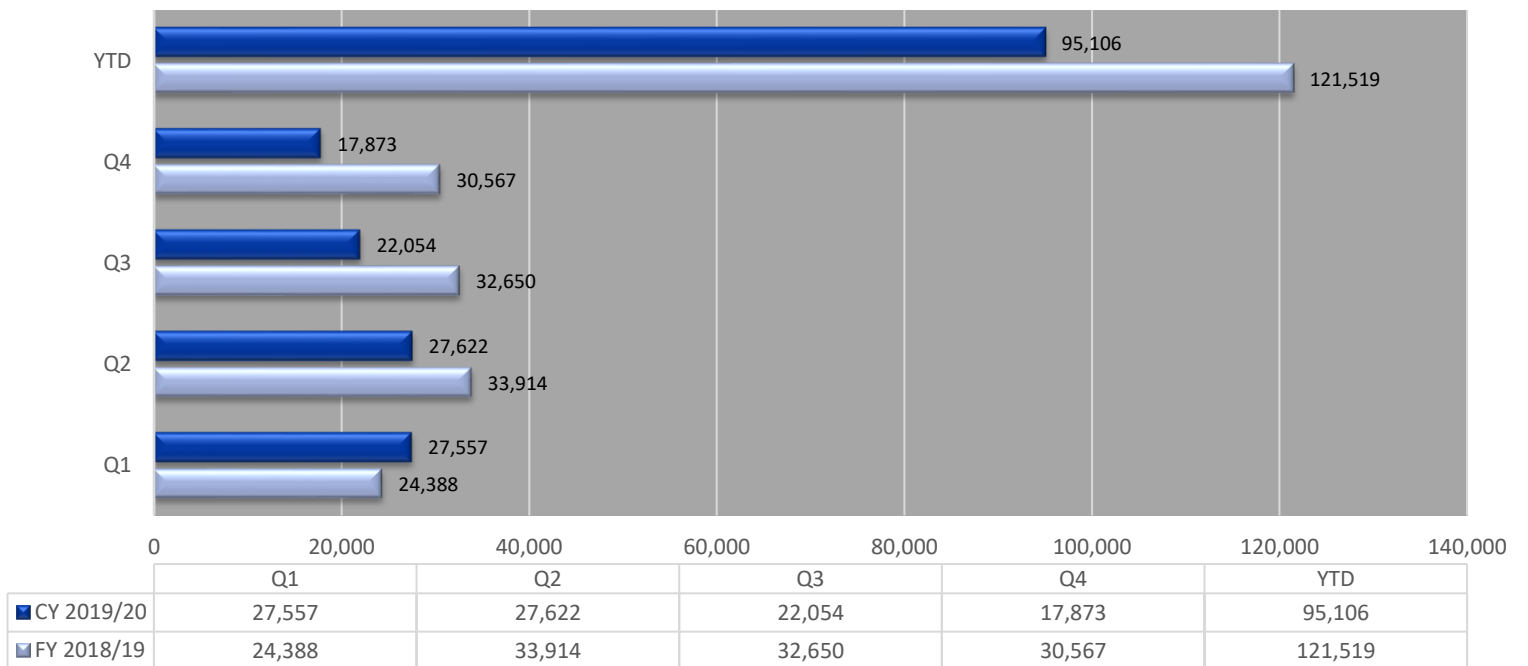


	Q1	Q2	Q3	Q4	YTD
■ CY 2019/20	179,601	149,910	162,518	154,629	646,658
■ FY 2018/19	223,227	183,892	213,834	231,007	851,960

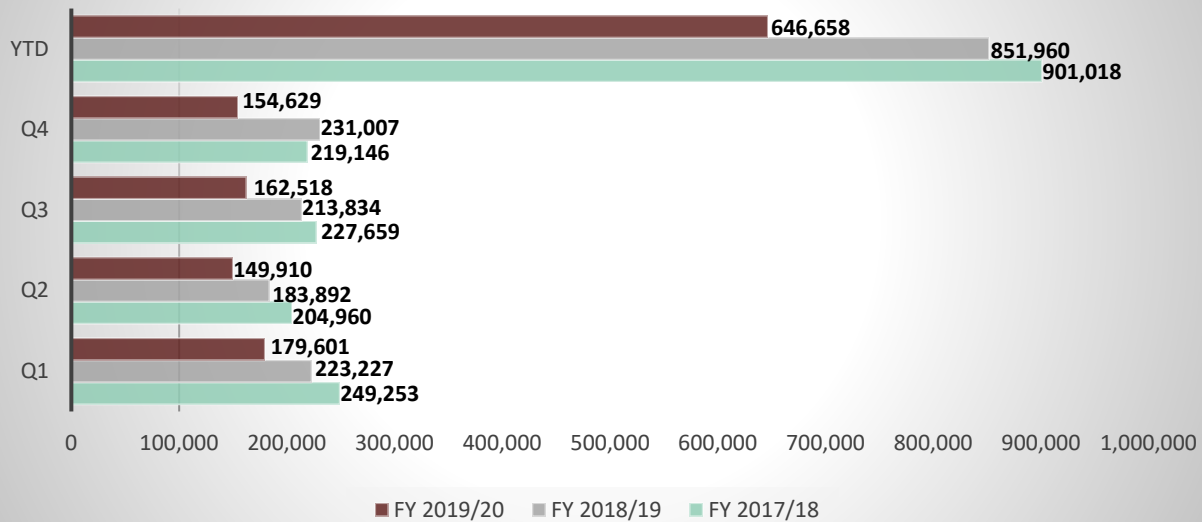
**Facebook Activity
 (Quarterly - Q4)**



**Facebook Activity
 (Year-to-Date)**

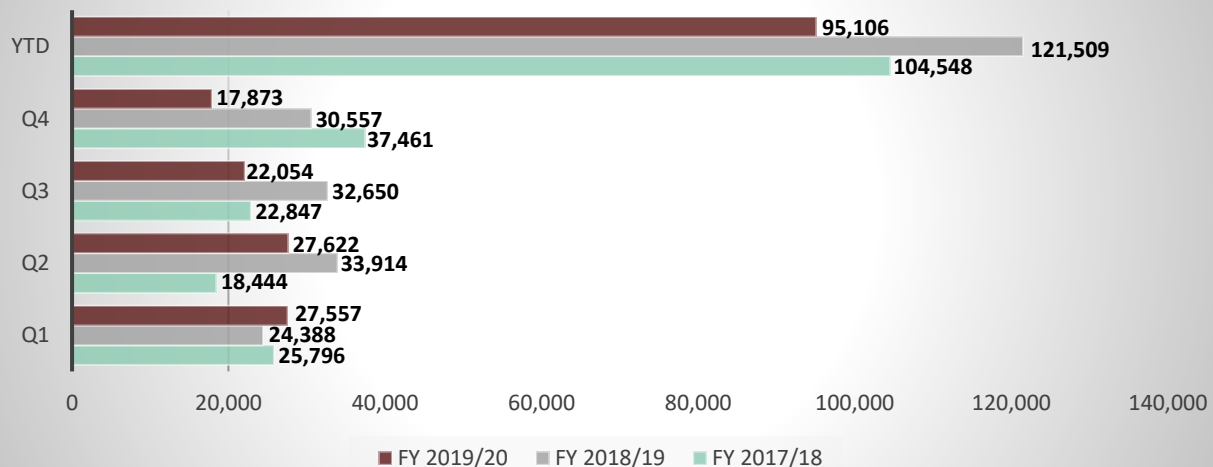


Website 3-Year Milestones



Website 3-Year Milestones					
Fiscal Years	Q1	Q2	Q3	Q4	YTD
FY 2017/18	249,253	204,960	227,659	219,146	901,018
FY 2018/19	223,227	183,892	213,834	231,007	851,960
FY 2019/20	179,601	149,910	162,518	154,629	646,658

Facebook 3-Year Milestones



Facebook 3-Year Milestones					
Fiscal Years	Q1	Q2	Q3	Q4	YTD
FY 2017/18	25,796	18,444	22,847	37,461	104,548
FY 2018/19	24,388	33,914	32,650	30,557	121,509
FY 2019/20	27,557	27,622	22,054	17,873	95,106



Briefing Paper

Agenda Item # 13(A)

Date: 08/21/2020
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](#)
[3. Multi-Year Data Comparison](#)

Data Format:

The standard program statistics report includes current and last fiscal year year-to-date data, and current and last fiscal year Quarter 4 (Q4) data. The percentages included with the program statistics actual numbers represent a portion of the total.

Update:

Year-to-Year and Quarter-to-Quarter Data Comparison

While the overall number of applications received increased by 6% from FY 2018/19 Q4 to FY 2019/20 Q4; the number of applications received for the whole year decreased by 4% from 2018/19 to 2019/20. This decrease is due to delayed application submission in Q4 of FY 2019/20 as a result of COVID-19. The impact of COVID is also seen in the 47% decrease in licenses issued from FY 2018/19 Q4 to FY 2019/20 Q4 as applicants were unable to fulfill all application requirements. The year-to-year change is significantly less prominent with a decrease of 3.5%. Staff anticipates recovery in these areas in the upcoming months.

Muti-Year Data Comparison

This year, the focus of the multi-year data comparison is license qualification method. The charts breakdown the volume of applications received by license type; application

method and education. While the volume of applications has increased each year, the ratio of each category has remained consistent.

Program Updates

Due to the impacts of COVID-19 – delayed application submission followed by a surge of applications received greater than the expected “busy time,” cancelled examinations followed by modified administrations, and loss of resources – application processing is delayed. Staff is doing everything possible to mitigate delays and accommodate applicants until their application can be evaluated and a license can be issued.

Action Requested:

None.

Application Services Report - Program Statistics

Initial Applications Received

Current FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1992	1903 (96%)	793 (40%)	229 (11%)	46 (2%)
PTA	652	570 (88%)	167 (26%)	62 (9%)	46 (7%)
Total	2644	2473 (94%)	960 (36%)	291 (11%)	92 (3%)
Last FY 2018/19 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1942	1734 (89%)	866 (45%)	227 (12%)	39 (2%)
PTA	826	677 (82%)	213 (26%)	61 (7%)	38 (5%)
Total	2768	2411 (87%)	1079 (39%)	288 (10%)	77 (3%)
Current FY 2019/20 Quarter 4					
	Total	Online	OOS	Foreign	Military
PT	658	645 (98%)	168 (25%)	45 (7%)	15 (2%)
PTA	224	191 (85%)	20 (9%)	15 (7%)	27 (12%)
Total	882	836 (95%)	188 (21%)	60 (7%)	42 (5%)
Last FY 2018/19 Quarter 4					
	Total	Online	OOS	Foreign	Military
PT	580	540 (93%)	198 (34%)	70 (12%)	5 (1%)
PTA	251	212 (85%)	58 (23%)	21 (8%)	7 (3%)
Total	831	752 (90%)	256 (31%)	91 (11%)	12 (1%)

Licenses Issued

Current FY 2019/20 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1725	N/A	693 (40%)	136 (7%)	43 (2%)
PTA	625	N/A	150 (24%)	25 (4%)	31 (4%)
Total	2350	N/A	843 (36%)	161 (7%)	74 (3%)
Last FY 2018/19 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1811	N/A	814 (45%)	149 (8%)	26 (1%)
PTA	626	N/A	161 (26%)	36 (6%)	16 (3%)
Total	2437	N/A	975 (40%)	187 (8%)	42 (2%)
Current FY 2019/20 Quarter 4					
	Total	Online	OOS	Foreign	Military
PT	181	N/A	91 (50%)	24 (13%)	11 (6%)
PTA	33	N/A	20 (61%)	5 (15%)	3 (10%)
Total	214	N/A	111 (52%)	29 (14%)	14 (6%)
Last FY 2018/19 Quarter 4					
	Total	Online	OOS	Foreign	Military
PT	273	N/A	187 (68%)	32 (12%)	5 (2%)
PTA	131	N/A	41 (31%)	7 (5%)	2 (2%)
Total	404	N/A	228 (56%)	39 (10%)	7 (2%)

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 Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	390	271	184	87	932	416	276	199	132	1,023	↑ 10%
Fail	47	47	30	25	149	45	49	28	20	142	↓ -5%
Total	437	318	214	112	1,081	461	325	227	152	1,165	↑ 8%
Pass Rate	89%	85%	86%	78%	86%	90%	85%	88%	87%	88%	↑ 2%

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	7	5	11	6	29	18	10	13	12	53	↑ 83%
Fail	25	16	16	17	74	32	24	20	9	85	↑ 15%
Total	32	21	27	23	103	50	34	33	21	138	↑ 34%
Pass Rate	22%	24%	41%	26%	28%	36%	29%	39%	57%	38%	↑ 10%

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	124	64	148	76	412	231	107	114	14	466	↑ 13%
Fail	45	33	27	36	141	37	35	41	7	120	↓ -15%
Total	169	97	175	112	553	268	142	155	21	586	↑ 6%
Pass Rate	73%	66%	85%	68%	75%	86%	75%	74%	67%	80%	↑ 5%

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	7	7	6	1	21	8	1	6	3	18	↓ -14%
Fail	9	4	5	8	26	7	10	6	0	23	↓ -12%
Total	16	11	11	9	47	15	11	12	3	41	↓ -13%
Pass Rate	44%	64%	55%	11%	44%	53%	10%	50%	100%	44%	⇒ 0%

California Law Examination (CLE)

Accredited Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	700	520	441	661	2,322	754	519	391	605	2,269	↓ -2%
Fail	242	195	159	146	742	209	139	122	81	551	↓ -26%
Total	942	715	600	807	3,064	963	658	513	686	2,820	↓ -8%
Pass Rate	74%	73%	74%	82%	76%	78%	79%	76%	88%	80%	↑ 4%

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	61	48	46	58	213	50	42	51	48	191	↓ -10%
Fail	40	36	32	40	148	29	28	30	13	100	↓ -32%
Total	101	84	78	98	361	79	70	81	61	291	↓ -19%
Pass Rate	60%	57%	60%	59%	59%	63%	60%	63%	79%	66%	↑ 7%

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 Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	4,823	1,647	1,440	2,768	10,678	4,795	1,790	1,490	3,026	11,101	↑ 4%
Fail	556	502	305	336	1,699	715	461	304	191	1,671	↓ -2%
Total	5,379	2,149	1,745	3,104	12,377	5,510	2,251	1,794	3,217	12,772	↑ 3%
Pass Rate	90%	77%	83%	89%	86%	87%	80%	83%	94%	87%	↑ 1%

Non Accredited PT Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	155	134	160	140	589	208	206	241	109	764	↑ 30%
Fail	550	410	349	435	1,744	615	585	377	147	1,724	↓ -1%
Total	705	544	509	575	2,333	823	791	618	256	2,488	↑ 7%
Pass Rate	22%	25%	31%	24%	25%	25%	26%	39%	43%	31%	↑ 6%

Accredited PTA Program

	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	3,155	1,433	980	1,133	6,701	3,146	1,313	961	694	6,114	↓ -9%
Fail	758	622	424	453	2,257	745	649	391	145	1,930	↓ -14%
Total	3,913	2,055	1,404	1,586	8,958	3,891	1,962	1,352	839	8,044	↓ -10%
Pass Rate	81%	70%	70%	71%	75%	81%	67%	71%	83%	76%	↑ 1%

Non Accredited PTA Program

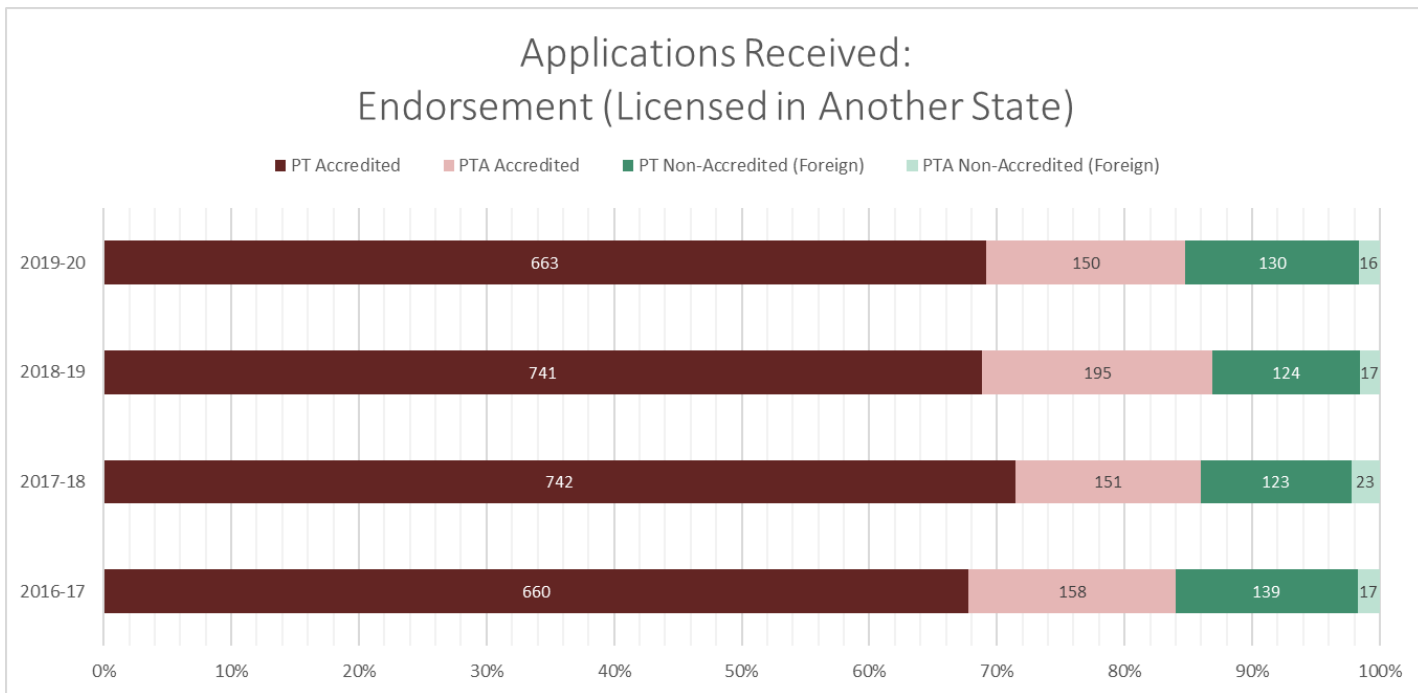
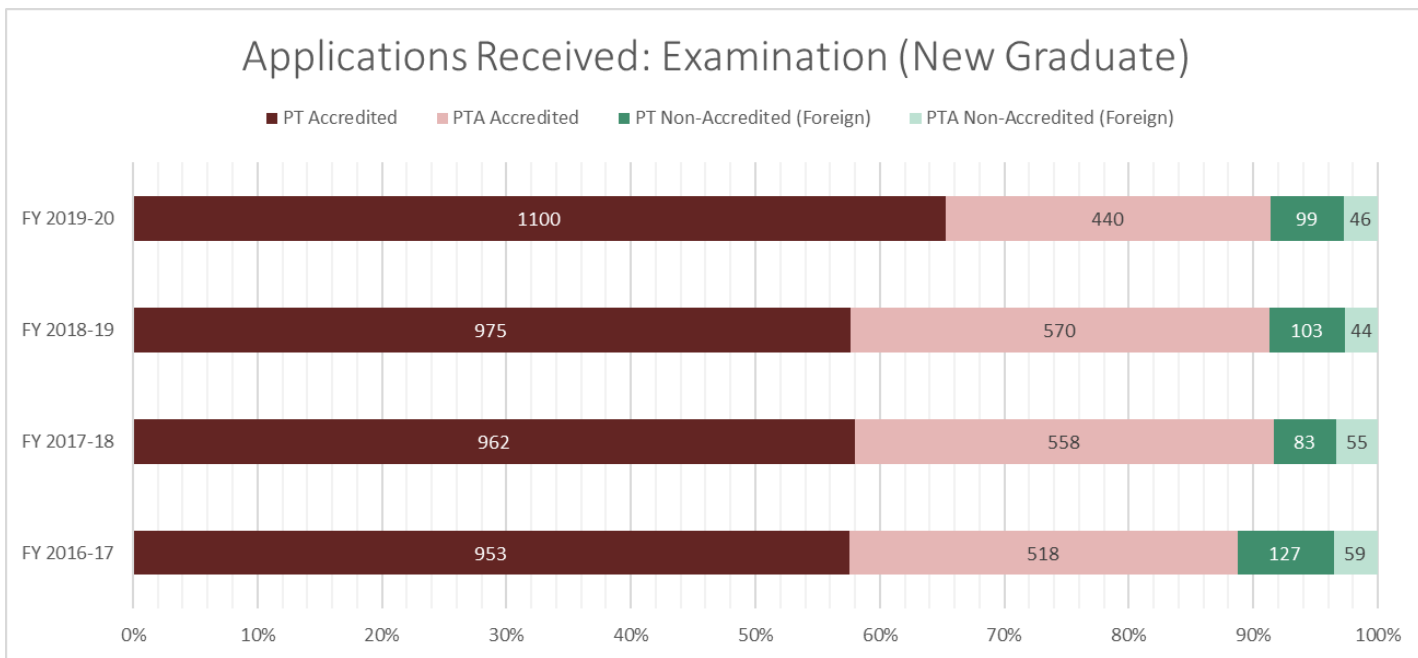
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	87	76	65	63	291	85	65	59	12	221	↓ -24%
Fail	88	63	58	68	277	74	88	45	7	214	↓ -23%
Total	175	139	123	131	568	159	153	104	19	435	↓ -23%
Pass Rate	50%	55%	53%	48%	51%	53%	42%	57%	63%	51%	⇒ 0%

Jurisprudence Examination - National Statistics

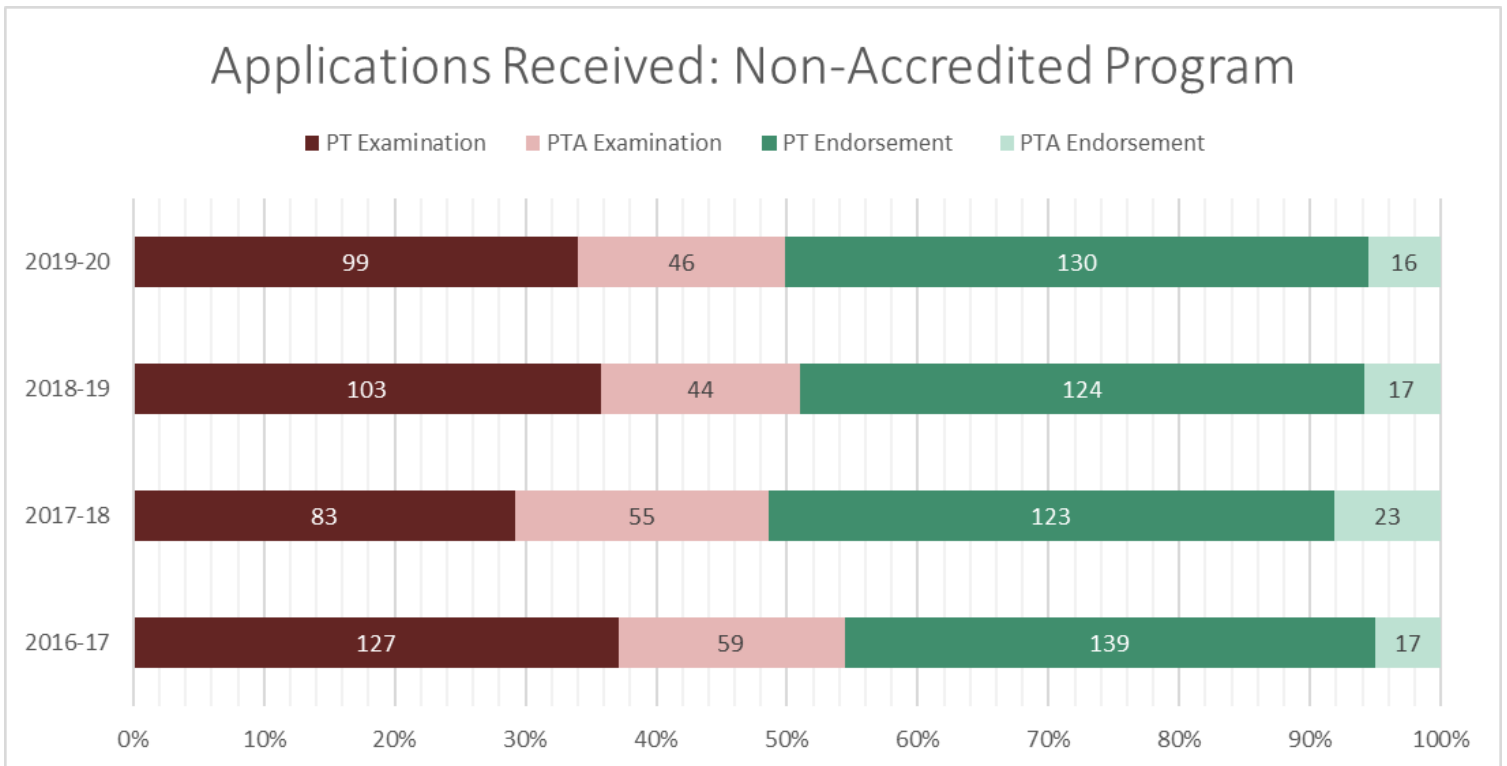
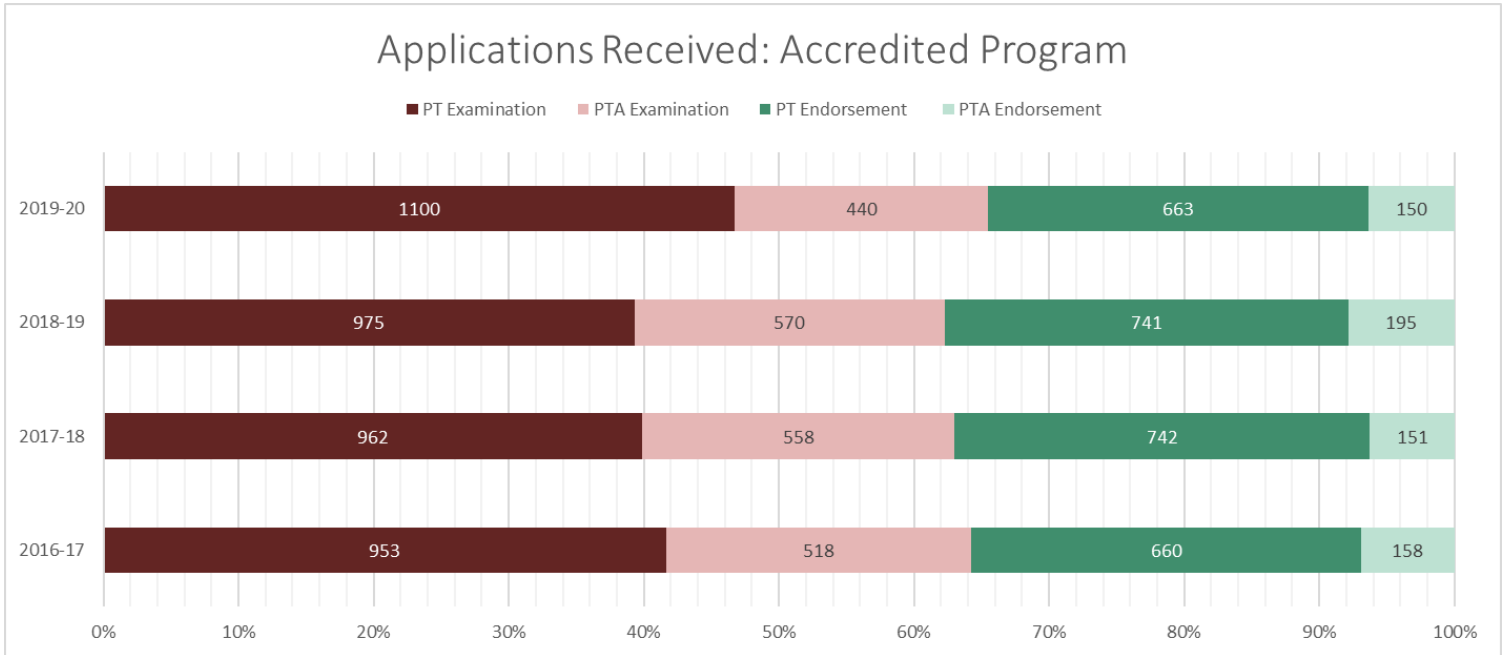
Accredited Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	2,036	1,353	1,135	2,155	6,679	2,176	1,411	1,190	1,396	6,173	↓ -8%
Fail	416	384	354	335	1,489	410	344	297	177	1,228	↓ -18%
Total	2,452	1,737	1,489	2,490	8,168	2,586	1,755	1,487	1,573	7,401	↓ -9%
Pass Rate	83%	77%	76%	87%	81%	84%	80%	80%	89%	83%	↑ 2%

Non Accredited Program											
	Fiscal Year 2018/19					Fiscal Year 2019/20					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	101	79	72	96	348	97	79	94	80	350	↑ 1%
Fail	60	49	44	50	203	41	42	40	17	140	↓ -31%
Total	161	128	116	146	551	138	121	134	97	490	↓ -11%
Pass Rate	63%	62%	62%	66%	63%	70%	65%	70%	82%	71%	↑ 8%

Physical Therapy Board of California
 Application Services Multi-Year Data Comparison:
 License Qualification Methods
 Fiscal Year 2016/17 – Fiscal Year 2019/20



Physical Therapy Board of California
 Application Services Multi-Year Data Comparison:
 License Qualification Methods
 Fiscal Year 2016/17 – Fiscal Year 2019/20





Briefing Paper

Agenda Item # 14(A)

Date: 08/21/2020
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](#)
[2. Licensing Maintenance Extended Data Report](#)

Data Format:

The standard program statistics report includes current and last fiscal year year-to-date data, and current and last fiscal year Quarter 4 (Q4) data. The percentages included with the program statistics actual numbers represent a portion of the total.

Update:

Year-to-Year and Quarter-to-Quarter Data Comparison

The License Maintenance Services program has seen a significant increase in the number of address and name changes submitted online from FY 2018/19 to FY 2019/20.

Extended Data

The License Maintenance Extended Data report provides the most common licensee geographic distribution in-state, out-of-state and out-of-country based on Address of Record.

Program Update

Paperless licensing and online-only license verification went into effect August 13, 2020.

Action Requested:

None.

License Maintenance Services Report - Program Statistics

License Status Counts

*Fiscal Year 2019/20				
	Current	Inactive	Delinquent	Retired
PT	27,117	1,201	4,058	358
PTA	7,561	314	1,188	112
Total	34,678	1,515	5,246	470
Fiscal Year 2018/19				
	Current	Inactive	Delinquent	Retired
PT	26,194	1,217	3,952	309
PTA	7,296	315	1,127	92
Total	33,490	1,532	5,079	401

*As of 06/30/2020

Renewals Processed

Current FY 2019/20 YEAR TO DATE			
	Total	Online	
PT	13,065	11,059	85%
PTA	3,630	3,101	85%
Total	16,695	14,160	85%
Prior FY 2018/19 YEAR TO DATE			
	Total	Online	
PT	12,699	10,530	83%
PTA	3,305	2,780	84%
Total	16,004	13,310	83%
Current FY 2019/20 Q4			
	Total	Online	
PT	3,280	2,782	85%
PTA	935	792	85%
Total	4,215	3,574	85%
Prior FY 2018/19 Q4			
	Total	Online	
PT	3,314	2,759	83%
PTA	858	724	84%
Total	4,172	3,483	83%

Name Changes Processed

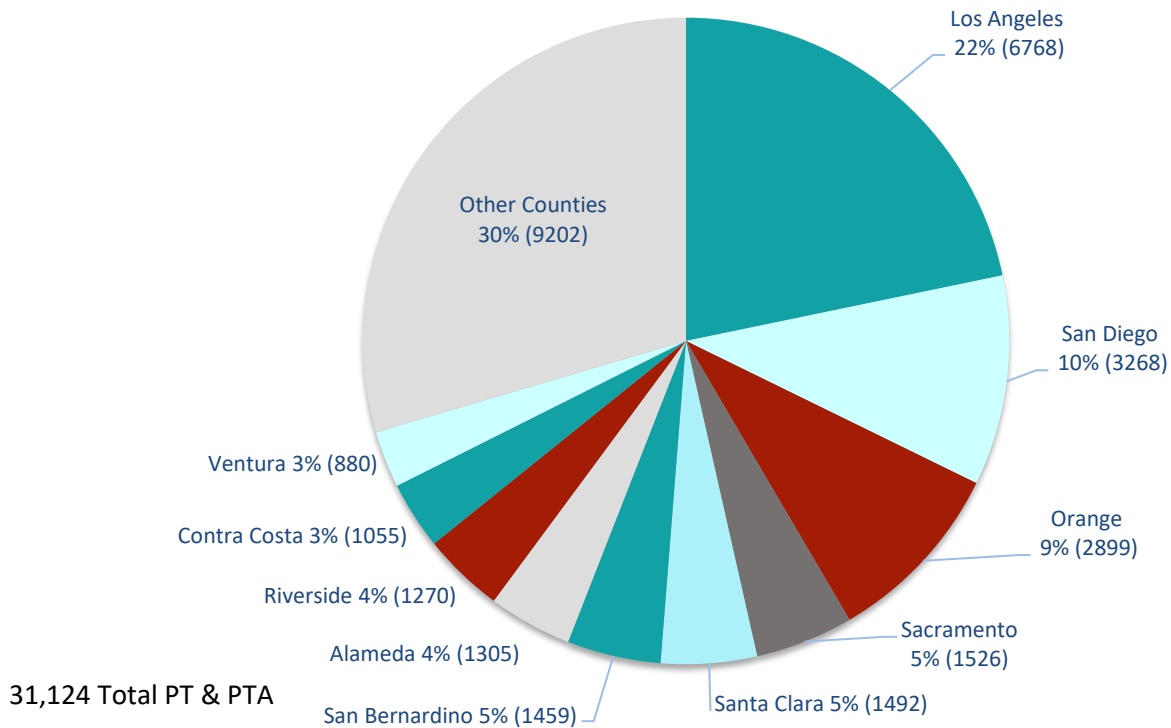
Current FY 2019/20 YEAR TO DATE			
	Total	Online	
PT	344	311	90%
PTA	84	72	86%
Total	428	383	89%
Prior FY 2018/19 YEAR TO DATE			
	Total	Online	
PT	351	121	34%
PTA	106	36	34%
Total	457	157	34%
Current FY 2019/20 Q4			
	Total	Online	
PT	41	38	92%
PTA	15	14	93%
Total	56	52	92%
Prior FY 2018/19 Q4			
	Total	Online	
PT	81	51	63%
PTA	32	20	63%
Total	113	71	63%

Address Changes Processed			
Current FY 2019/20 YEAR TO DATE			
	Total	Online	
PT	2,710	2,506	92%
PTA	740	682	92%
Total	3,450	3,188	92%
Prior FY 2018/19 YEAR TO DATE			
	Total	Online	
PT	3,519	1,558	44%
PTA	938	406	43%
Total	4,457	1,964	44%
Current FY 2019/20 Q4			
	Total	Online	
PT	830	764	92%
PTA	232	215	93%
Total	1,062	979	92%
Prior FY 2018/19 Q4			
	Total	Online	
PT	876	600	68%
PTA	260	183	70%
Total	1,136	783	69%

Duplicate Requests Processed			
Current FY 2019/20 YEAR TO DATE			
	Total	Online	
PT	183	90	50%
PTA	61	36	60%
Total	244	126	52%
Prior FY 2018/19 YEAR TO DATE			
	Total	Online	
PT	205	76	37%
PTA	63	19	30%
Total	268	107	40%
Current FY 2019/20 Q4			
	Total	Online	
PT	41	19	46%
PTA	14	8	57%
Total	55	27	49%
Prior FY 2018/19 Q4			
	Total	Online	
PT	42	16	38%
PTA	22	6	27%
Total	64	22	34%

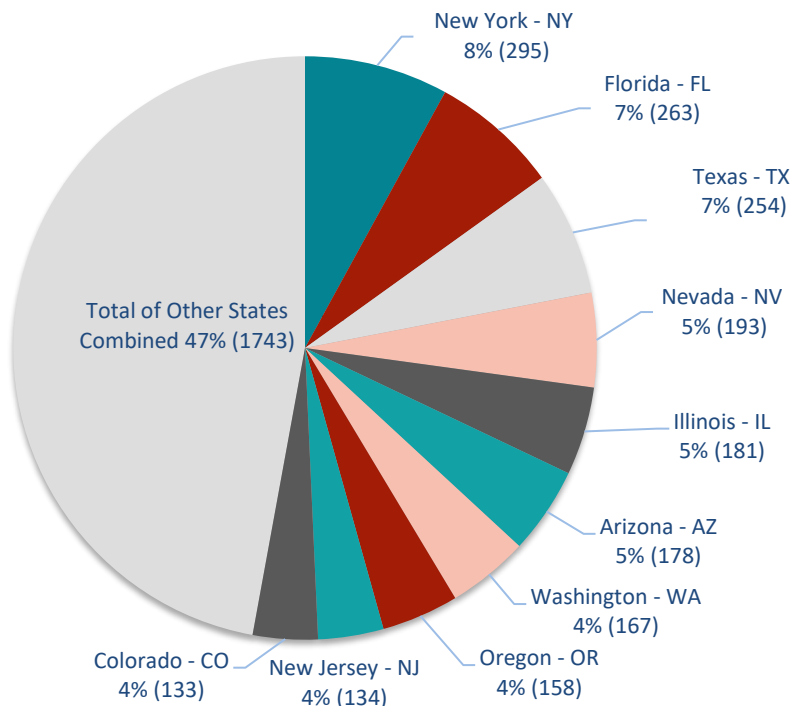
Physical Therapy Board of California
License Maintenance Services Extended Data Report:
Licensee Geographic Distribution
(Based on Address of Record)

Top 10 Most Common Counties for California Licensees



Physical Therapy Board of California
License Maintenance Services Extended Data Report:
Licensee Geographic Distribution
(Based on Address of Record)

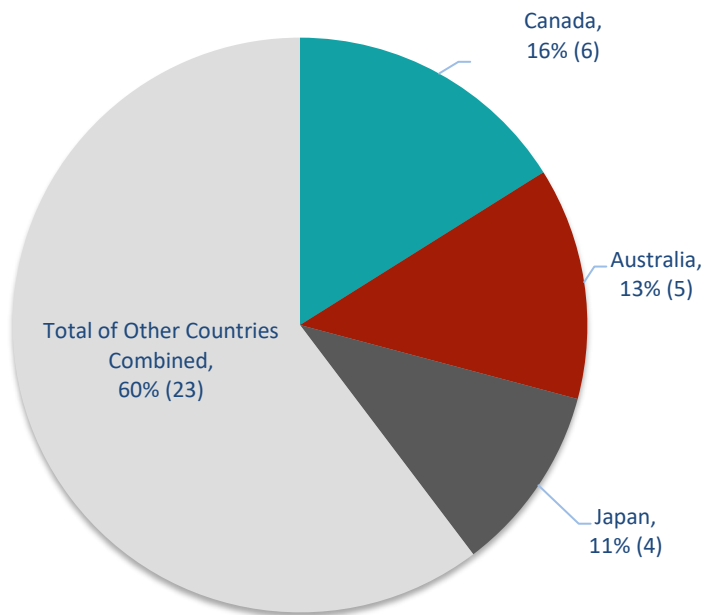
**Top 10 Most Common Out-of-State Locations
for California Licensees**



3,699 Total PT & PTA

Physical Therapy Board of California
License Maintenance Services Extended Data Report:
Licensee Geographic Distribution
(Based on Address of Record)

**Top 3 Most Common Out-of-Country Locations
for California Licensees**



38 Total PT & PTA



Briefing Paper

Agenda Item 15(A)

Date: 08/28/2020
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: Continuing Competency Services Report

Purpose:

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

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:

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

Action Requested:

None.



Briefing Paper

Agenda Item 16

Date: August 28, 2020
Prepared for: PTBC Members
Prepared by: Elsa Ybarra, Manager
Subject: Consumer Protection Services Program (CPS)

Purpose:

Update on Consumer Protection Services Program - FY 2019/20

Attachments: [1. CPS Statistics Report](#)
[2. 3 – Year Milestone](#)
[3. Disciplinary Summary](#)

Update:

This year “2020”, has been a challenging year for staff, both on a personal level and with their working environment. Changes to their work environment were changed without much notice and with teleworking came a new approach to processes in the enforcement program. This change impacted staff’s business processes to maintain productivity; thinking process to conduct investigations; learning new technology tools to work remote. These are just a few of the challenges staff have encountered; however, even in these challenging times, staff have once again proven their dedication, maintain a positive attitude, and productivity.

As of August 3, 2020, Vincent Azar was promoted in place to an Associated Government Program Analyst (AGPA) within CPS. As an AGPA, in addition to his many responsibilities within the CPS program, Mr. Azar addresses complex issues with BreZE and IT.

Attachment 1: CPS Statistics Report

The performance measures (PM-4 AG Cases) reflects an increase from last FY 2018-19 in the average number of days to complete cases from the inception of the complaint to closure on cases transmitted to the Attorney General. This increase is a result of extenuating circumstances and complex issues requiring a lengthy and/or supplemental investigation in order to obtain the necessary evidence required for transmittal to the AG for consideration of administrative action. The average number of days for these cases (842 days) consists of all cases transmitted to the Attorney General, including

companion cases, whether disciplinary action is taken or declined by the Attorney General. Cases declined by the Attorney General may require a supplemental investigation to obtain the evidence needed to pursue administrative action or may be reviewed for other means of action within the Board's legal authority (e.g. Administrative Citation, in-house public letter of reprimand, or no action).

Attachment 2: 3-Year Milestone

The three-year milestone statistics indicate an increase in the average number of days to complete an investigation, Cycle Time-No Discipline (PM3) as well as in the Cycle Time Discipline (PM4). As reported in prior meetings, staff have been focusing on aged cases and as a result are now filtering through the system.

Attachment 3: Disciplinary Summary List

Disciplinary Summary of formal discipline and citations issued for FY 2019-20, Q4. 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	320	86	66	86	78	316	↓ -1%
PM1: Convictions/Arrest Received	235	84	53	32	66	235	→ 0%
PM1: Total Received	555	170	119	118	144	551	↓ -1%

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	4	3	2	3	↑ 38%

Investigations

Target: 90 Days	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	126	128	139	222	154	161	↑ 28%
PM3a: Intake Only	2	2	2	3	3	3	↑ 25%
PM3b: Investigation Only	116	116	135	210	151	153	↑ 32%
PM3c: Post Investigation Only	2	2	2	5	1	3	↑ 25%

Investigations Aging

	YTD	Fiscal Year 2019/20					Year → Year Change
		Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	62%	89	69	51	64	53%	↓ -9%
91 - 180 Days	18%	22	33	24	23	20%	↑ 2%
181 Days - 1 Year (364)	14%	11	27	31	18	17%	↑ 3%
1 to 2 Years (365-730)	5%	5	3	15	5	5%	↑ 0%
2 to 3 Years (731- 1092)	1%	5	2	5	4	3%	↑ 2%
Over 3 Years (1093 +)	0%	1	2	1	1	1%	↑ 1%
		133	136	127	115	511	

Citations

	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	59	12	14	14	18	58	↓ -2%
Average Days to Close	196	410	474	369	528	445.3	↑ 127%

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	597	631	1013	894	830	842	↑ 41%
PM4a: Intake Only	2	3	5	4	3	4	↑ 88%
PM4b: Investigation Only	238	308	674	322	341	411	↑ 73%
PM4c: Pre-AG Transmittal	6	1	2	1	6	3	↓ -58%
PM4d: Post-AG Transmittal	410	380	336	570	703	497	↑ 21%

	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	67	22	8	17	22	69	↑ 3%
AG Cases Pending	59	41	31	54	58	58	↓ -2%
SOIs Filed	2	1	0	0	2	3	↑ 50%
Accusations Filed	30	5	2	5	23	35	↑ 17%

AG Transmittals							
	FY 2018/19	Fiscal Year 2019/20					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	57	15	16	14	19	64	↑ 12%
Total Average Days to Complete	597	631	1013	894	830	842.0	↑ 41%

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	0	0%	⇒ 0%
91 - 180 Days	0%	0	0	0	0	0%	⇒ 0%
181 Days - 1 Year (364)	35%	1	3	0	5	14%	↓ -21%
1 to 2 Years (365-730)	40%	11	1	6	5	36%	↓ -4%
2 to 3 Years (731- 1092)	11%	2	6	3	3	22%	↑ 11%
Over 3 Years (1093 +)	14%	1	6	5	6	28%	↑ 14%
		15	16	14	19	64	

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	2	1	0	0	1	2	⇒ 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)

**Physical Therapy Board of California
Consumer Protection Services Program**

3 Year Performance Measures Milestone			
Fiscal Year	2017-2018	2018-2019	2019-2020
PM1 Volume - Total Number of Complaints Received. (Non conviction/arrest related)	404	320	316
PM1 Volume - Conviction/Arrest Reports Received	250	235	235
Total Complaints Received	654	555	551
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 within the reference period.	AVG DAYS	AVG DAYS	AVG DAYS
	2	2	3
PM3 Cycle Time-No Discipline (Target 90 Days) Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline (Includes intake, investigation, and case outcome or non-AG formal discipline.	AVG DAYS	AVG DAYS	AVG DAYS
	108	126	161
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.	2	2	3
PM3b Investigation 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.	100	116	153
PM3c Post Investigation Of the cases included in PM3, the average number of days from the date the investigation was completed, to the date the case outcome or non AG formal discipline effective date. was transmitted to the AG.	2	2	3
PM 4 Cycle Time-Discipline (Target 540 Days) Average Number of Days to complete the Enforcement process for cases investigated and transmitted to the AG for formal discipline within the reference period.	AVG DAYS	AVG DAYS	AVG DAYS
	604	597	842
PM4a 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.	5	2	4

PM4b 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.	268	238	411
PM4c Pre-AG Transmittal Of the cases included in PM4, the average number of days from the date the investigation was completed, to the date the case was transmitted to the AG.	11	6	3
PM4d Post--AG Transmittal Of the cases included 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.	326	410	497
Total Final Orders	38	57	64

**Disciplinary Summary
Fiscal Year 2019-20 / Quarter 4**

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

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



April 2020

PITTMAN, STACEY KAYE PT 22199

Violations: Dangerous use of alcohol, misdemeanor conviction for use of alcohol; Conviction of a criminal offense substantially related to the qualifications, functions, or duties of a physical therapist [DUI]; and Unprofessional conduct. Stipulated Surrender of License and Order Effective 4/03/20, License Surrendered.

BURLACU, CAMELIA NICOLETA PTA 10567

Violations: Mental illness and/or physical illness affecting competency; Conviction of a crime substantially related to the qualifications, functions, or duties of a physical therapist assistant [multiple]; Failure to provide documents to the Board; and Failure to report conviction to the Board. Proposed Decision Effective 4/13/20, License Revoked.

May 2020

KUENSTLER, KONRAD KIRK PT 35399

Pending administrative determination of Respondent’s fitness to practice. Order on Petition for Interim Suspension Effective 5/28/20, License Suspended.

June 2020

(None)

Initial Probationary Licenses (IPL) Issued



None.

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

Agenda Item 17(A)

Date: August 26, 2020
Prepared for: PTBC Members
Prepared by: Monny Martin, PTBC Probation Monitor
Subject: Probation Monitoring Program

Purpose: Update on Probation Monitoring Program for Q4 - FY 2019-2020

Attachments: [1. Statistical Report](#)
[2. 3 Year Milestone](#)

Background:

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

Analysis:

For the fourth quarter, there were 87 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 69 licensees on probation and in the state of California, there were an additional 18 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were 0 licensees placed on probation in the quarter, and 3 licensees that completed probation in the quarter.

Of the 70 licensees that were not tolling, 12 were enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program at the end of the quarter, equaling 17% of all licensees on probation that weren't tolling.

The COVID-19 pandemic presented new challenges for the Board's Recovery Program (Maximus) and the Recovery Program Managers. I am happy to report these new challenges were handled by both the recovery program and participants very well. There were no disruptions in biological fluid testing and 12-Step and Health Support Groups have continued online with much success. Many participants reported enjoying the online meetings and some have reported they started attending different 12-Step meetings than they normally would and also attending more meetings.

Over the last 3 years, there weren't a lot of changes in the Board's probation monitoring program. Although the number of licensees that were placed on probation doubled from 2017/18 to 2018/19 (11 vs. 22), the overall increase in the number of licensees on probation was only 2 from one year to the next. This may be because the successful completion rate for

probation essentially remained the same and three licensees surrendered their licenses in 2018/19, a stat that was not tracked in 2017/18. The totals for 2019/20 were heavily affected by COVID-19. There was only 1 licensee placed on probation from January 1, 2020 to June 30, 2020, so the overall number of licensees placed on probation for FY 2019/2020 was only 9, compared to 22 in FY 2018/19.

Action Requested: No Action Required.

Probation Statistics Report

Probation							
	FY 2018/19	Fiscal Year 2019/2020					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Probationer	17	4	4	1	0	9	↓ -47%
Completed Probation	9	2	4	2	3	11	↑ 22%
Probation Terminated	1	0	0	1	0	1	⇒ 0%
Non-Compliant w/Probation	2	1	0	1	0	2	⇒ 0%
Tolling (Out of State)	18	18	18	18	18	18	↑ 18%
Surrenders	3	0	1	0	0	1	↓ -66%
Total Probationers	89	93	93	91	88	89	⇒ 0%

Maximus							
	FY 2018/19	Fiscal Year 2019/2020					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Maximus	5	3	0	1	0	4	↓ -20%
Completed Maximus	2	1	0	2	1	4	↑ 100%
Total Maximus Participants	19	18	16	15	12	12	↓ -37%
Determined To Be Clinically Inappropriate	1	2	1	1	1	5	↑ 400%
Terminated - Public Risk	2	1	0	0	0	1	↓ -50%
Terminated - Failure to Receive Benefit	0	0	0	0	1	1	↑ 100%
Withdrawn (Expense) - Post-Decision	1	0	0	0	0	0	↓ -100%
Withdrawn (Left State) - Post-Decision	1	0	0	0	0	0	↓ -100%
Withdrawn - Pre-Decision	1	0	1	0	0	1	⇒ 0%

Probation Statistics Report 3-Year Milestone

Probation			
Fiscal Year	FY 2017/18	FY 2018/19	FY 2019/20
Entered Probationer	11	22	9
Completed Probation	15	16	11
Probation Terminated	1	1	1
Non-Compliant w/Probation	2	2	2
Tolling (Out of State)*	N/A	16	18
Surrenders	0	3	1
Total Probationers	87	89	89

Maximus			
Entered Maximus	4	12	4
Completed Maximus	2	7	4
Total Maximus Participants	19	20	12
Determined To Be Clinically Inappropriate	1	1	5
Terminated - Public Risk	2	0	1
Withdrawn (Expense) - Post-Decision	1	1	0
Withdrawn (Left State) - Post-Decision	1	1	0
Withdrawn - Pre-Dec	1	0	1

* This statistic was not tracked for FY 2017/18.