



**PHYSICAL THERAPY**  
BOARD OF CALIFORNIA

**December 7–8, 2022**  
BOARD MEETING

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

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

# PHYSICAL THERAPY BOARD OF CALIFORNIA

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

## PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

December 7, 2022 9 a.m.

December 8, 2022 9 a.m.

Department of Consumer Affairs  
2005 Evergreen St., Hearing Room  
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. THE PUBLIC IS  
ENCOURAGED TO ATTEND.

## BOARD MEMBERS

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

Tonia McMillian, *Vice President*

Dayle C. Armstrong, Ph.D., P.T., M.S., DPT, *Member*

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

Daniel Drummer, P.T., DPT, *Member*

Katarina Eleby, M.A., *Member*

Johnathon Ervin, *Member*

## BOARD STAFF

Jason Kaiser, *Executive Officer*

Sarah Conley, *Assistant Executive Officer*

Liz Constancio, *Administrative Services Manager*

Brooke Arneson, *Legislation and Regulation Manager*

Vacant, *Consumer Protection Services Manager*

Vacant, *Licensing Services Manager*

## 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.



## **Agenda – Wednesday, December 7th**

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

1. **Call to Order - 9:00 a.m.**
2. **Roll Call** and Establishment of Quorum
3. **Reading of the Board's Mission Statement**
4. **Special Order of Business – 9:05 a.m.**
  - (A) Petition for Reinstatement of License – Jollene Dell Emery-Jones  
*After submission of the matters, the Board will convene in CLOSED SESSION to deliberate on the petitions pursuant to Government Code section 11126(c)(3)*
5. **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 the following litigation: *Alan Kun-Sien Kyo v. Physical Therapy Board of California* (Superior Court of California, County of Sacramento, Case number 34-2021-80003743)
6. **Review and Approval of September 2022, Meeting Minutes** – Brooke Arneson
7. **President's Report** –Alicia Rabena-Amen
  - (A) **2023 Proposed Meeting Calendar**
  - (B) **2024 Proposed Meeting Calendar**
8. **Executive Officer's Report** – Jason Kaiser
  - (A) Administrative Services
    - i. Staffing
  - (B) Licensing Services
  - (C) Consumer Protection Services
  - (D) Strategic Plan

**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) 2021/22 Legislative Session Summary

- 1. AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and Civil Service: Examinations: Classifications
- 2. SB 731 (Durazo and Bradford) Criminal Records: Relief
- 3. SB 1237 (Newman) Licenses: Military Service
- 4. SB 1438 (Roth) Physical Therapy Board of California
- 5. SB 1495 (Committee on Business, Professions and Economic Development) Professions and Vocations

**11. Rulemaking Report – Brooke Arneson**

(A) 2022 Rulemaking Update for Pending or Proposed Regulations (Title 16, California Code of Regulations (16 CCR)):

- 1. Proposed Amendments to 16 CCR section 1398.26.1 – Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
- 2. Proposed Amendments to 16 CCR sections 1398.26.5, – Clinical Service Requirements for Foreign Educated Applicants Completing a Supervised Clinical Practice in the United States
- 3. Proposed Amendments to 16 CCR 1399.18, 1399.50 and 1399.52 – Retired License Status and Physical Therapist and Physical Therapist Assistant Fees
- 4. Update Regarding the Development of Possible Amendments to the Board's Continuing Competency Regulations

**12. Discussion and Possible Board Action on the 2023 Rulemaking Calendar – Brooke Arneson**

**13. 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).)*

**14. Recess**

## **Agenda – Thursday, December 8<sup>th</sup>**

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

**15. Call to Order - 9:00 a.m.**

**16. Roll Call and Establishment of Quorum**

**17. Reading of the Board's Mission Statement**

**18. DCA Budget Office Presentation of Services – *Renee Milano & Sarah Hinkle***

**19. Administrative Services Update**

(A) Budget Report – *Liz Constancio*

(B) Outreach Report – *April Beauchamps*

**20. Application Services Update – *Valerie Kearney***

(A) Program Updates

(B) Statistical Reports

**21. Licensing Services Update – *Valerie Kearney***

(A) Program Updates

(B) Statistical Reports

**22. Continuing Competency Services Update – *Sarah Conley***

(A) Program Updates

(B) Statistical Reports

**23. Consumer Protection Services Update – *Carole Phelps***

(A) Program Updates

(B) Statistical Reports

**24. Probation Monitoring Services Update – *Monny Martin***

(A) Program Updates

(B) Statistical Reports

**25. Board Member Training – *Kim Rozakis & Liz Constancio***

(A) Form 700 Training – Statement of Economic Interest and Conflict of Interest Filing



## **26. Board Member Elections**

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

## **27. 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).)*

## **28. Agenda Items for Future Meeting –**      March 22-23, 2023 TBD, Bay Area, CA

## **29. 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 the following litigation: *Alan Kun-Sien Kyo v. Physical Therapy Board of California* (Superior Court of California, County of Sacramento, Case number 34-2021-80003743)

## **30. 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](http://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 in-person. 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](mailto:brooke.arneson@dca.ca.gov), or send a written request to the Physical Therapy Board of California, 2005 Evergreen Street, Suite 2600, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.*

## **ROLL CALL**

**Wednesday,  
December 7, 2022**

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

**Thursday,  
December 8, 2022**

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





1

**Board Members**

**President**

Alicia Rabena-Amen, PT, DPT

**Vice-President**

Tonia McMillian

**Members**

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

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby, M.A

Johnathon Ervin

**Physical Therapy Board of California**

**Draft Meeting Minutes**

September 21-22, 2022 9:00 a.m.

San Diego Mesa College  
7250 Mesa College Dr, Room MC211A  
San Diego, CA 92111

**Board Staff**

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Erika Calderon, Manager

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Specialist

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

5

6

**Wednesday, September 21, 2022**

7

8

**1. Call to Order**

9

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13

The Physical Therapy Board of California (Board) meeting was called to order by  
President Dr. Rabena-Amen at 9:13 a.m. and recessed at 5:29 p.m. on September  
21, 2022.

14

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

15

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23

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

24

25

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30

31

All members were present, and a quorum was established. Also present at the  
meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive  
Officer; Erika Calderon, Manager; Sarah Conley, Manager; Liz Constancio,  
Manager; Brooke Arneson, Regulation Specialist; April Beauchamps; Kim Rozakis  
and Valerie Kearney, Board staff.

32  
33 **3. Reading of the Board's Mission Statement**  
34

35 Mr. Ervin read the Board's mission statement: To advance and protect the  
36 interests of the people of California by the effective administration of the  
37 Physical Therapy Practice Act.  
38

39 **4. Special Order of Business – 9:05 a.m.**

40 **(A) Petition for Termination of Probation – Eric Ryan Jones, PT**

41 *After submission of the matters, the Board will convene in CLOSED SESSION*  
42 *to deliberate on the petitions pursuant to Government Code section 11126(c)(3)*  
43

44 **5. Closed Session**

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

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

50 (C) Pursuant to Government Code section 11126, subdivisions (e)(1) and (2)(A),  
51 the Board will convene to confer with, or receive legal counsel regarding the  
52 following litigation: Alan Kun-Sien Kyo v. Physical Therapy Board of California  
53 (Superior Court of California, County of Sacramento, Case number 34-2021-  
54 80003743)  
55

56 The Board entered into closed session at 11:12 a.m. and reconvened into open  
57 session to break for lunch at 12:13 p.m. The Board entered back into closed  
58 session at 4:19 p.m. and recessed at 5:29 p.m. on September 21, 2022.  
59

60 **6. Review and Approval of December 10, 2021, Meeting Minutes – Brooke**  
61 **Arneson**  
62

63 Ms. Arneson presented the draft December 10, 2021, meeting minutes. Dr.  
64 Armstrong requested that on page 20, line 424 needs to be edited so it reads  
65 "to elect Ms. McMillian as Board Vice-President."  
66

67 **MOTION:** Adopt the proposed December 10, 2021, Meeting  
68 Minutes as amended.

69  
70 **M/S:** Rabena-Amen/Armstrong  
71

**VOTE:** Armstrong - Abstain  
Dominguez- Aye  
Drummer - Aye  
Eleby - Abstain  
Ervin – Abstain  
McMillian - Aye  
Rabena-Amen – Aye  
4 Ayes, 3 Abstentions, Motion Carried

**7. Review and Approval of March 24, 2022, Meeting Minutes – Brooke Arneson**

Ms. Arneson presented the draft March 24, 2022, meeting minutes.

Ms. Eleby stated that page 29, line 228, “FSBPT” has a typo. Dr. Armstrong stated that on page 40, line 654 it should read “update” instead of “updated.” Dr. Rabena-Amen added that on page 40 it should read “2022” for the Disciplinary Guidelines effective date. Dr. Drummer also stated that Ms. Beauchamps name was spelled incorrectly on page 43.

**MOTION:** Adopt the proposed March 24, 2022, Meeting Minutes as amended.

**M/S:** Rabena-Amen/Eleby

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin – Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

**8. Review and Approval of August 15, 2022, Meeting Minutes – Brooke Arneson**

Ms. Arneson presented the draft August 15, 2022, meeting minutes.

**MOTION:** Adopt the proposed August 15, 2022, Meeting Minutes

**M/S:** Rabena-Amen/Eleby

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin – Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

**9. Update of Sunset Review Report Pursuant to BPC Section 2602**

Mr. Kaiser reported that he was hopeful that he would be able to report that PTBC's Sunrise bill, SB 1438 was signed by the Governor, however it has not been signed yet. He stated that there were many bills that moved through the legislature due to COVID and there were a record number of bills moving to the Governor's desk this year. Mr. Kaiser thanked Dr. Dominguez and Ms. McMillian for their help and guidance on the Sunset Report and to Dr. Rabena-Amen and Ms. McMillian for joining him on the Sunset Hearing.

Mr. Kaiser reported that with SB 1438, PTBC's authority will be extended until January 1, 2027, and we were successful in getting the direct access exemption of the in-person evaluation by a physician or surgeon that was granted by the Director of the Department during the pandemic and will now be in the practice act moving forward.

**10. Presidents Report**

(A) 2022 Adopted Meeting Calendar

Dr. Rabena-Amen stated that the FSBPT Delegate Assembly is coming up at the end of October and she encouraged members to attend.

Dr. Rabena-Amen solicited the Board for their availability on the December 8-9 scheduled meeting for 2022. Dr. Dominguez stated that he was not able to attend December 9<sup>th</sup> however, he would be able to attend December 7-8<sup>th</sup> if the meeting was moved.

**MOTION:** Move the December 8-9, 2022, Meeting Dates to December 7-8, 2022

153  
154 **M/S:** Rabena-Amen/McMillian  
155

156 **VOTE:** Armstrong - Aye  
157 Dominguez- Aye  
158 Drummer - Aye  
159 Eleby - Aye  
160 Ervin – Aye  
161 McMillian - Aye  
162 Rabena-Amen – Aye  
163 7-0 Motion Carried  
164

165 (B) 2023 Proposed Meeting Calendar  
166

167 Mr. Kaiser stated that staff are still looking for a school to host PTBC for the  
168 March 2023 meeting in the Bay Area and those dates and location will be  
169 updated on the calendar at the December 2022 meeting.  
170

171 Ms. Eleby asked why there were three dates on the schedule for the June 2022  
172 meeting, and Mr. Kaiser responded that it was to include a day to address the  
173 new Strategic Plan. Dr. Rabena-Amen solicited the Board for their feedback on  
174 whether they would prefer to do the strategic plan as a third day of a meeting or  
175 if they would prefer to break it up as a separate meeting. The members were  
176 open to both, and Mr. Kaiser stated that we will adopt the 2023 meeting calendar  
177 at the December 2022 meeting and discuss the schedule for the strategic plan.  
178

179 **11. Executive Officer's Report**

180 (A) Administrative Services

181 i. Staffing  
182

183 Mr. Kaiser reported that, sadly, PTBC is saying farewell to it's Assistant  
184 Executive Officer, Elsa Ybarra who is retiring after over 30 years of service  
185 to the Board and the physical therapy consumers of California. Mr. Kaiser  
186 added that she would be retiring in October and will be greatly missed.  
187 Members congratulated and thanked Ms. Ybarra on her many years of  
188 service and agreed that she will be very much missed.  
189

190 Mr. Kaiser reported that the recruitment to fill the Assistant Executive Officer  
191 position has begun and he is hopeful it will be filled in the upcoming weeks.

192  
193 Mr. Kaiser added that PTBC recently finished recruiting for the Staff  
194 Services Manager I over the Consumer Protection Services Unit. He  
195 introduced and welcomed Ms. Erika Calderon to the PTBC.

196  
197 Mr. Kaiser reported that staff have started the recruitment for two full-time  
198 analysts in the Application Services Unit, and those positions are expected  
199 to be filled shortly.

200  
201 Mr. Kaiser reported that for this fiscal year, (FY) PTBC projected that it  
202 would be a very tight year and would be close to expending our budget. He  
203 added that PTBC is very fiscally responsible and typically reverts a portion  
204 of our budget back in the physical therapy fund every year. He stated that  
205 this year, we were able to revert almost \$240,000. Mr. Kaiser added going  
206 forward, as always, PTBC will look at ways to save costs and stay within  
207 budget.

#### 208 209 (B) Applications

210  
211 Mr. Kaiser referred members to Agenda Item 25 for a detailed Applications  
212 Services report. He added that we are starting to see an increase in PTA  
213 applications because of new PTA programs in the state of California and we will  
214 monitor them closely and Ms. Beauchamps will be scheduling outreach  
215 presentations with these new programs as soon as possible.

#### 216 217 (C) Licensing/Continuing Competency

218  
219 Mr. Kaiser referred members to Agenda Item 26 and 27 for a detailed Licensing  
220 and Continuing Competency report. He added that while Continuing  
221 Competency staff had been on loan to the Application and Licensing Units  
222 during the pandemic, that has now changed, and they have returned to  
223 Continuing Competency and have been conducting audits of licensees as well  
224 as recognized approval agencies.

#### 225 226 (D) Consumer Protection Services

227  
228 Mr. Kaiser referred members to Agenda Item 28 for a detailed Consumer  
229 Protection Services report. He added that under Ms. Calderon's leadership,

230 staff have been working like they are old colleagues, and it has been impressive  
231 to watch.

232  
233 (E) Outreach

234  
235 Mr. Kaiser reported that PTBC recently made its first video for Tik Tok, and we  
236 have gotten positive feedback and are committed to it. He added that  
237 stakeholders can expect to see new content for Tic Tok and broadcast on  
238 Twitter, Facebook and Instagram.

239  
240 (F) Strategic Plan

241  
242 Mr. Kaiser reported at the December 2022 meeting, PTBC would address the  
243 strategic plan and give the Board a final close out report for our previous  
244 strategic plan. He added that staff have already started preparation for the new  
245 strategic plan which will be brought to the Board at the June 2023 meeting.

246  
247 **12. Consumer and Professional Associations and Intergovernmental**  
248 **Relations Reports**

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

250  
251 There was no representative on behalf of FSBPT.

252  
253 Mr. Kaiser thanked Mr. Ervin for joining him at FSBPT's Leadership Issues  
254 Forum in July and FSBPT has invited Mr. Ervin to speak on a panel about public  
255 members at their Education Meeting in October.

256  
257 Mr. Kaiser added that California will be hosting the next FSBPT 2022 Annual  
258 Education Meeting in Anaheim, October 28-29, 2022. He stated that he and  
259 Ms. McMillian will be doing an opening presentation to welcome everyone to  
260 California and kick the meeting off. Mr. Kaiser encouraged all members to  
261 attend.

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

263  
264 Mr. Kaiser provided an update on behalf of DCA; and they were apologetic they  
265 could not be there in person.  
266



267 DCA reported that as it pertains to the pandemic and in-person meetings,  
268 guidelines and safety measures, legislation has passed allowing remote  
269 meetings and DCA is reminding all Boards, Bureau Members and staff that they  
270 are expected to follow the state and local public health guidelines that apply in  
271 the area where those meetings are being held.

272  
273 DCA reported that there was a social media brown bag held on August 10<sup>th</sup> and  
274 the presentation included an overview of social media, best practices, content  
275 examples, security and more.

276  
277 DCA reported that they would be holding their Fall Board Leadership meeting  
278 on October 11, 2022, and these quarterly meetings are attended by Board  
279 Presidents, Vice-Presidents, Executive Officers and DCA Executive Leaders  
280 and provides an opportunity to discuss important and emerging issues as a  
281 group. If members have any suggested agenda items for this upcoming  
282 meeting, please send them to the DCA member relations email.

283  
284 DCA reported that they take a proactive and strategic approach to the  
285 recruitment and training of its skilled and diverse Workforce. To achieve this  
286 approach, DCA is updating its annual Workforce and Succession Plan and as  
287 part of this process, DCA recently requested Board and Bureau Leaders  
288 complete a Workforce survey and these responses will be used with other  
289 information about DCA's Workforce to inform decisions that align and support  
290 DCA's Strategic Plan.

291  
292 DCA was pleased to announce that Nicole Le was hired on June 24, 2022, as  
293 the Deputy Director of DCA's Office of Administrative Services. In addition, DCA  
294 announced that Olivia Trejo has been appointed as DCA's Chief of Office of  
295 Human Resources as of August 1, 2022. DCA also announced that Taylor  
296 Schick was appointed to DCA's Chief Fiscal Officer in July 2022, and he will  
297 lead the dedicated Accounting and Budget teams.

298  
299 DCA reported that recently, the Governor appointed a new Director of Board  
300 and Bureau Relations, Melissa Gear and she will be joining DCA in October.

301  
302 DCA reminded Board members that they are required to complete Board  
303 Member Orientation Training within one year of appointment and reappointment

and the final training of 2022 will be offered on October 12, 2022, and members can register through DCA's Learning Management System (LMS).

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

Mr. Kaiser reported that CPTA was not able to join the meeting as they are in transit and travel for their Annual Convention in Anaheim, CA and PTBC staff will be attending the convention and will be manning a PTBC booth in the vendors area both Saturday and Sunday and he encouraged members to come and stop by the PTBC booth.

## **13. Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer**

Dr. Rabena-Amen stated that for over 5 years, PTBC has been trying to get the Board classified at the level that corresponds to its operations and budget and PTBC has submitted several requests. She added that at the December 2021 meeting, the Board decided to move forward again and resubmit the package in April. Dr. Rabena-Amen reported that she did receive a response from DCA Director Kimberly Kirchmeyer on Friday, September 9<sup>th</sup> and PTBC was successful in moving the exempt level from Level N to Level M. Dr. Rabena-Amen thanked DCA for their help and support.

Mr. Kaiser reported that there was a committee established for the Exempt Level Increase and there is currently a vacancy and solicited the Board for their feedback on what to do with the existence of that Committee. Dr. Rabena-Amen suggested that PTBC abolish the Committee and can reassess at any time in the future and members agreed.

## **14. Legislation Report**

### **(A) 2021/22 Legislative Session Summary**

Ms. Arneson presented the legislative report and 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 225 (Gray) DCA: Boards: Veterans: Military Spouses: Licenses

342 Ms. Arneson reported that AB 225 is dead as it didn't pass out of the Senate  
343 Appropriations Committee. She added that this bill would have expanded  
344 the provisions of the military spouse temporary licensure program to apply  
345 to military veterans who have been other-than dishonorably discharged,  
346 and active-duty military members with orders for separation in 90 days.

347  
348 ii. AB 646 (Low) DCA: Boards: Expunged Convictions

349  
350 Ms. Arneson reported that AB 646 is dead as it did not pass out of the  
351 Senate Appropriations Committee. She added that this bill would have  
352 required Boards under DCA that post information on their online licensure  
353 search system about a revoked license, when the revocation is due to a  
354 criminal conviction, to update or remove information about the revoked  
355 license should the Board receive an expungement order related to the  
356 conviction.

357  
358 iii. AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and  
359 Commissions: Civil Service: Examinations: Classifications

360  
361 Ms. Arneson reported that AB 1604 was chaptered on September 13th and  
362 will take effect January 1st, 2023. She added that this bill will require all  
363 state boards and commissions consisting of one or more volunteer  
364 members or commissioners, to have at least one volunteer board member  
365 or commissioner from an underrepresented community, as defined, on or  
366 after January 1, 2023. She stated that this bill also further clarifies that new  
367 board or commission members should be replaced, under these  
368 parameters, as vacancies occur and that this bill also requires all state  
369 agencies who collect demographic information to use separate collection  
370 categories and tabulations for specified black and African American groups.

371  
372 iv. AB 1662 (Gipson) Licensing Boards: Disqualification from Licensure:  
373 Criminal Conviction

374  
375 Ms. Arneson reported that AB 1662 Licensing Boards is dead as it did not  
376 pass out of the Senate Appropriations Committee, and that PTBC had an  
377 oppose position on this bill. She added that this bill would have allowed a  
378 prospective applicant that has been convicted of a crime to submit a request

379 to a Board for a preapplication determination on whether they would be  
380 disqualified for licensure.

381  
382 v. AB 1733 (Quirk) State Bodies: Open Meetings

383  
384 Ms. Arneson reported that AB 1733 is dead as it failed the legislative  
385 deadline on August 31st. She added that PTBC had a support position on  
386 this bill and that this urgency bill would have specified that a meeting held  
387 under the Bagley Keene Open Meetings Act includes a meeting held  
388 entirely by teleconference as defined by the provisions of the bill. Ms.  
389 Arneson stated that SB 189 was chaptered earlier this session in June,  
390 which addressed allowing remote meetings; and will be addressed later in  
391 the legislative report.

392  
393 vi. AB 2104 (Flora) Professions and Vocations

394  
395 Ms. Arneson reported that AB 2104 is dead as it did not pass out of the  
396 Assembly B&P Committee. She added that this bill would have authorized  
397 DCA and each Board in DCA to charge a fee not to exceed \$2 for the  
398 certification of a copy of any record, document, or paper in its custody. Ms.  
399 Arneson reported that this bill would have also required the delinquency,  
400 penalty, or late fee for any license within the DCA to be 50% of the renewal  
401 fee, but not to exceed \$150.

402  
403 vii. AB 2600 (Dahle) State Agencies: Letters and Notices: Requirements

404  
405 Ms. Arneson reported that AB 2600 is dead as it did not pass out of the  
406 Assembly Accountability and Administrative Review Committee. She  
407 added that this bill would have required that every state agency when  
408 sending any communication state in bolded font at the beginning of the  
409 communication whether it requires action on the part of the recipient or  
410 serves as notice requiring no action.

411  
412 viii. SB 189 (Committee on Budget and Fiscal Review) State Government

413  
414 Ms. Arneson reported that SB 189 was chaptered on June 30th. She added  
415 that this bill among additional provisions, authorizes state entities to hold  
416 public meetings, subject to specified notice and accessibility requirements

417 through teleconferencing and making public meetings accessible  
418 telephonically or electronically to the public. She added that these  
419 provisions would sunset on July 1, 2023.

420  
421 ix. SB 250 (Pan) Health Care Coverage

422  
423 Ms. Arneson reported that SB 250 is dead as it did not pass out of the  
424 Assembly Appropriations Committee. She added that this bill would have  
425 granted a physician and surgeon the right to have an appeal of a prior  
426 authorization decision conducted by a physician and surgeon of the same  
427 or similar specialty and would have prohibited a plan or insurer from  
428 requiring an appeal of an adverse prior authorization request result to be  
429 filed before filing an independent medical review.

430  
431 x. SB 731 (Durazo and Bradford) Criminal Records: Relief

432  
433 Ms. Arneson reported that SB 731 was enrolled and presented to the  
434 Governor on August 26th. She added that this bill would expand felonies  
435 that are eligible for automatic record sealing to include convictions for  
436 certain felonies that resulted in incarceration, as long as the individual had  
437 completed their sentence and has not been convicted of a new felony  
438 offense for four years.

439  
440 xi. SB 1031 (Ochoa Bogh) Healing Arts Boards: Inactive License Fees

441  
442 Ms. Arneson reported that SB 1031 is dead as it did not pass out of the  
443 Senate Appropriations Committee. She added that this bill would have  
444 required the renewal fee for an inactive license to be one half of the fee for  
445 a renewal of an active license unless the Board established a lower fee.

446  
447 xii. SB 1237 (Newman) Licenses: Military Service

448  
449 Ms. Arneson reported that SB 1237 was chaptered on September 17th.  
450 She stated that this bill will require the Boards within DCA to waive the  
451 renewal fee for any licensee or registrant who is called to active duty as a  
452 member of the United States Armed Forces or the California National Guard  
453 if the licensee or registrant is stationed outside of California.

455 xiii. SB 1365 (Jones) Licensing Boards: Procedures  
456

457 Ms. Arneson reported that SB 1365 is dead as it did not pass out of the  
458 Senate Appropriations Committee. She stated that this bill would have  
459 required all boards to post a list of criteria used to evaluate applicants with  
460 criminal convictions on their websites.  
461

462 xiv. SB 1438 (Roth) Physical Therapy Board of California  
463

464 Ms. Arneson reported that SB 1438 is the Boards Sunset bill and PTBC has  
465 a support position on this bill. Ms. Arneson stated that this bill was enrolled  
466 and presented to the Governor on September 9<sup>th</sup> and that it would extend  
467 the operations of the PTBC until January 1, 2027, and would also extend  
468 the Board's authority to appoint an Executive Officer until January 1, 2027.  
469 She added that this bill would authorize physicians and surgeons to conduct  
470 an in-person or telehealth patient examination and evaluation of the  
471 patient's condition in connection with their approval of the PT's plan of care.  
472

473 xv. SB 1495 (Committee on Business, Professions and Economic  
474 Development) Professions and Vocations  
475

476 Ms. Arneson reported that SB 1495 was enrolled and presented to the  
477 Governor on September 9<sup>th</sup>. She added that this is the omnibus bill for the  
478 Senate B&P Committee, and it makes numerous technical and clarifying  
479 provisions related to programs within DCA and deletes an obsolete cross  
480 reference in B&P code as well.  
481

482 **15. Rulemaking Report**

483 (A) 2022 Rulemaking Update for Pending or Proposed Regulations (Title 16,  
484 California Code of Regulations (16 CCR)):  
485

486 Ms. Arneson reported that there were 4 rulemaking packages in progress and  
487 that there has been a great deal of progress with PTBC's regulations.  
488

489 i. Proposed Amendments to 16 CCR section 1398.26.1 – Satisfactory  
490 Documentary Evidence of Equivalent Degree for Licensure as a Physical  
491 Therapist or Physical Therapist Assistant/Coursework Tool

492 ii. Proposed Amendments to 16 CCR sections 1398.26.5, – Clinical  
493 Service Requirements for Foreign Educated Applicants Completing a

Supervised Clinical Practice in the United States

Ms. Arneson reported that both the Coursework Tool and Performance Evaluation Tool initial rulemaking packages were approved by Agency and were filed with OAL and published on August 5th for a 45-day public comment period which commenced on September 20th. She stated that PTBC staff will be working closely with DCA's regulation unit on submitting the final rulemaking packages to DCA very soon. Ms. Arneson added that PTBC has not received any adverse comments.

iii. Proposed Amendments to 16 CCR 1399.18, 1399.50 and 1399.52 – Retired License Status and Physical Therapist and Physical Therapist Assistant Fees

Ms. Arneson reported that the retired license status regulation was approved by Agency on June 6th and was filed with OAL and published on June 17th and the 45-day comment period ended on August 2nd. She added that PTBC did receive comments on this rulemaking package and that the comments received will be presented for Board consideration under Agenda Item 16.

iv. Update Regarding the Development of Possible Amendments to the Board's Continuing Competency Regulations

Ms. Arneson reported that the staff are still in the concept phase for the continuing competency regulations and anticipate bringing proposed language for Board consideration at a future meeting.

**16. Consideration of Public Comments, Discussion, and Possible Adoption of Proposed Regulatory Text to Amend Title 16, California Code of Regulations, Sections 1399.18, 1399.50 and 1399.52 – Retired License Status and Physical Therapist and Physical Therapist Assistant Fees**

Ms. Arneson reported that the Retired License Status Regulation's 45-day public comment period commenced on August 5<sup>th</sup> and a number of comments were received which were provided in the meeting materials for the Board's consideration. She added that according to the Administrative Procedure Act's requirements for enacting regulations, the Board must consider each comment and in the final rulemaking package a final statement of reasons is prepared, wherein comments are summarized and responded to.



Ms. Arneson stated that the Board received two categories of comments: the first was dissatisfaction with paying a \$100 fee for retired status; and the second was expressing confusion if current licensees in retired status, would need to pay the fee to remain retired. Ms. Arneson referred members to the prepared potential responses by staff and DCA's regulatory attorney for each of the categories of comments for the Board's consideration and approval. Ms. Arneson added that both of the draft responses provided were from the Initial Statement of Reasons, which is part of the rulemaking package. Ms. Arneson stated that also included in the meeting materials was a potential motion to continue this rulemaking package onto the final phase of the regulatory process which includes filing with OAL for approval.

Dr. Rabena-Amen suggested that the Board address the second category of comments received during the public comment period first, which was individuals expressing confusion if current licensees in retired status would need to pay the \$100 fee to remain in retired license status.

Ms. Arneson read the potential response to these comments from the meeting materials: "The Initial Statement of Reasons, page 1, stated that by the end of FY 2020/21, the Board had issued retired status to 537 of its 43,570 licensees. Those 537 licenses have already been processed as retired; therefore, those licensees would be exempt from the provisions of this regulatory proposal and no additional form or fee would be required. Because those licenses need nothing further, the Board has determined that no text changes are required in response to these comments. To the extent that the comment implies that the regulatory text is vague, the Board notes that the regulation, once enacted, is prospective only, so would not affect any status already in effect."

Dr. Rabena-Amen solicited the Board for their feedback on the potential response to the grandfather comments received. Dr. Drummer stated that one of the biggest challenges with this regulation is a licensee's lack of understanding of what license status means. Dr. Drummer added that delinquent status has a negative connotation, however it simply means that the licensee has not paid or renewed and/or is done practicing. Mr. Kaiser added that if a licensee chooses, they can stay in delinquent status for up to 5 years and if not renewed within that time, the license would change to cancelled status.

Dr. Drummer added that many licensees do not understand what retired license status means as it has its own definition and that is a piece of the challenge. He stated that we need to address educating the licensee population so that licensees understand the different license status terms,

574 potentially in the next newsletter, or provide a license status table on the  
575 website.

576  
577 Dr. Armstrong asked what happens to continuing education requirements  
578 when a license is in delinquent status for up to 5 years. Mr. Kaiser responded  
579 that when a license is in delinquent status and they go to renew their license,  
580 they attest under penalty of perjury, that they are in compliance with the  
581 continuing education regulations.

582  
583 Mr. Kaiser clarified that retired license status is not new to PTBC and that  
584 previously PTBC did have its own statutory language regarding retired license,  
585 however, it was decided by the Board to utilize the department-wide statute of  
586 BPC 484. Mr. Kaiser added that this regulation affects a small number of  
587 licensees (around 500) and that licensees can apply for retired license status  
588 during the promulgation of this regulation. He stated that no further action is  
589 required for those that are currently in retired license status and that they do  
590 not need to pay a fee.

591  
592 Mr. Kaiser stated that in the Final Statement of Reasons, staff will clarify that  
593 once this regulation is promulgated, for licensees in retired license status, a 5-  
594 year clock starts, and they will have 5 years of retired license status once the  
595 regulation goes into effect, and after 5 years' time, the license will switch to  
596 retired cancelled status. Mr. Kaiser added that retired license status is an  
597 option, however it is not something that licensees are mandated to use.

598  
599 Dr. Alicia Rabena-Amen asked how inactive license status fits into this  
600 discussion. Mr. Kaiser responded that when a licensee receives their renewal  
601 notice and they must complete continuing education under penalty of perjury,  
602 they are saying they are in compliance. Mr. Kaiser stated that if the licensee  
603 does not have the 30 hours of continuing competency, they can choose  
604 inactive status, they would have to pay the \$300 renewal fee, however they  
605 are prohibited from practicing and they are exempt from the continuing  
606 education requirements. He added that if a licensee wanted to return to  
607 practice, they would have to file an application going from inactive to active  
608 status and they would have to attest to having the 30 hours of continuing  
609 competency in the previous two years.

610  
611 Mr. Kaiser added that PTBC would educate licensees and stakeholders via the  
612 newsletter, Board's website, and social media channels to help educate the  
613 licensing population and consumers of this new regulation. Dr. Dominguez  
614 agreed that it is important to educate the public. He stated that there is not a  
615 place on the DCA or the Board's website where one can go and figure out all  
616 the different license statuses. Mr. Kaiser stated that this would be added to

PTBC's website and PTBC could possibly include a FAQ to help licensees. He added that a definition is provided on the DCA license verification website by hovering over the license status.

Board members were comfortable with the response provided by staff regarding the grandfather comment for those that hold a license in retired status and have inquired if they would need to pay a fee and complete the new application form and had no changes to the response language provided.

Ms. Arneson provided the members with the proposed response to the commenters that expressed dissatisfaction at a \$100 fee for a retired license:

"At the September 2021 Board meeting, the Board approved the \$100 fee based upon the time spent processing such applications. After conducting a desk audit and based upon prior experience in processing prior retirement applications, the time to process was determined to be 95 minutes. This number was listed in the Initial Statement of Reasons, page 5. While, based on current costs, this results in a charge of \$101, the Board set the fee at a rounded-down \$100." Ms. Arneson referred members to the Retired License Workload for an Office Technician, provided in the materials.

Ms. Arneson continued reading the proposed response: "according to the State Administrative Manual (SAM), the state must recover costs unless those costs are otherwise limited by statute. SAM section 8752 was renumbered to 9210 in January 2022, but the onus on state to recover "all costs attributable directly to the activity plus a fair share of indirect costs which can be ascribed reasonably to the good or service provided" remains unchanged. BPC 464, subdivision (b)(4) states that a board "shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license." The Board does not receive General Fund money from the state; it collects fees to offset the costs of its activities. Therefore, not charging for work done from licensees in one category would require licensees in another category to shoulder that burden, such as through increased renewal fees. To be equitable, only those who are requesting a specific work product, such as a retired license, should bear the burden of that specific cost. Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016), which provided for retired status under BPC 464, recognized that many licensees disfavor becoming simply "inactive" or delinquent. However, as the Board noted in its Initial Statement of Reasons, choosing to request a retired license is an option for licensees. If a licensee does not want to pay for and receive a retired status, they could simply not renew their license and show as "inactive" until the license automatically cancels after five years."

Mr. Kaiser and members agreed to amend the last paragraph of the suggested response to the comments received regarding the \$100 fee, they agreed to strike inactive from the first sentence to read "delinquent" and change the last line of the paragraph from "inactive" to "delinquent." The last paragraph amended would read: "Assembly Bill (AB) 2859 (Low, Ch. 473, Stats. 2016), which provided for retired status under BPC 464, recognized that many licensees disfavor becoming simply ~~"inactive"~~ or delinquent. However, as the Board noted in its Initial Statement of Reasons, choosing to request a retired license is an option for licensees. If a licensee does not want to pay for and receive a retired status, they could simply not renew their license and show as ~~"inactive"~~ delinquent" until the license automatically cancels after five years."

Dr. Drummer added that for some of the comments concerning the fee, it is important to educate licensees that they are not required to pay anything to retire, and that retired license status is a choice.

Mr. Kaiser stated that establishing any fee has some pushback from the licensee population and the retired license fee workload audit was provided to members, is part of the rulemaking package and DCA Budgets reviewed and approved it. He added that retired license status is still a renewable license, within 5 years and can save a licensee money should they change their mind on retirement and want to return to practice.

Dr. Rabena-Amen stated that a licensee in retired license status is still under the oversight of the PTBC and that burden cannot lie on the licensees that are renewing or joining the profession, therefore she felt that the retired license fee is justified.

**MOTION:** Adopt the regulatory text as noticed, approve the proposed responses to the retired license status regulatory comments with the edits made in the meeting today, and direct PTBC staff to take all steps necessary to complete the rulemaking process. Authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package and delegate authority to the Executive Officer to finalize the regulatory package.

**M/S:** Drummer/Rabena-Amen

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

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

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

**18. Recess**

The meeting recessed at 5:29 p.m. from closed session on September 21, 2022.

**Thursday, September 22, 2022**

**19. Call to Order**

The Physical Therapy Board of California (Board) meeting was called to order by President Dr. Rabena-Amen at 9:02 a.m. and adjourned at 1:12 p.m. on September 22, 2022.

**20. Roll Call and Establishment of Quorum**

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

All members were present, and a quorum was established. Also present at the meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive Officer; Erika Calderon, Manager; Sarah Conley, Manager; Liz Constancio, Manager; Brooke Arneson, Regulation Specialist; April Beauchamps; Kim Rozakis

738 and Valerie Kearney, Board staff.

739  
740 **21. Reading of the Board's Mission Statement**

741  
742 Ms. Eleby read the Board's mission statement: To advance and protect the  
743 interests of the people of California by the effective administration of the  
744 Physical Therapy Practice Act.

745  
746 **22. Overview of the Attorney General's Legal Process for Disciplinary Actions**  
747 *– John Gatshet, Deputy Attorney General*

748  
749 Mr. Gatshet presented an overview of the Attorney General's Legal Process for  
750 Disciplinary Actions.

751  
752 **23. Physical Therapy Student Question and Answer Forum**

753  
754 Physical Therapy Assistant students from San Diego Mesa College, San Diego,  
755 CA, participated in a question-and-answer forum with the Board regarding the  
756 regulation and practice of physical therapy in California.

757  
758 **24. Administrative Services Update**  
759 **(A) Budget Report**

760  
761 Ms. Constancio reported on the budget report and thanked DCA's Budget  
762 Office, Sarah Hinkle and Kenneth Meiss for their support to the PTBC.

763  
764 Ms. Constancio reported that the Governor's authorized budget for the PTBC is  
765 \$6,637,000 which includes personnel services, operating expenses, and  
766 equipment, and 27.4 positions to support program requirements. She added  
767 that PTBC had a total expenditure for fiscal year 21/22 of \$6,397,992 which was  
768 96% of PTBC's total budget. Ms. Constancio reported that PTBC was able to  
769 revert \$239,008 back to the Physical Therapy Fund.

770  
771 Ms. Constancio reported that DCA's Budget Office confirmed that the Board will  
772 be reimbursed \$94,000 for contract tracer reimbursement for prior year (PY)20-  
773 21 costs and this reimbursement was deposited into the Board's fund beginning  
774 current year (CY) 2022-23.

Ms. Constancio reported that the expenditures in Q2 (FY21-22) are \$1,662,337, a 20.63% increase over previous year's Q2 expenditures of \$1,377,953 (PY20-21).

Ms. Constancio stated that PTBC collected \$1,796,000 during Q1 (FY21-22) a 10.12% increase over Q1 revenue from last fiscal year and PTBC's revenues for Q2 of prior year (21-22) were \$2,099,683, a 1.36% increase from Q2 last fiscal year. She added that PTBC collected \$1,565,695 during Q3 (FY21-22), a 1.96% decrease over Q3 revenue from last fiscal year. In addition, PTBC collected \$1,081,401 during Q4 (FY21-22), a 0.67% decrease over Q4 revenue from last fiscal year (PY20-21). Ms. Constancio reported that historically, the PTBC revenues increase by at least 1-2%.

Ms. Constancio reported that with the projections, workload, and revenue data collection, PTBC anticipates a fund condition of 2.0 months in reserve in budget year 2024/25.

## **(B) Outreach Report**

Ms. Beauchamps reported that PTBC's website in FY 2021-22 had 561,085 web hits which was an 8% decrease from last fiscal year and in looking at the three-year milestones, website traffic has decreased by 13%. She stated that this is attributed to efforts to go paperless and directing applicants and licensees to use BreEZe.

Ms. Beauchamps reported that in FY 2021-22, 44,581 accessed the PTBC's Facebook page which resulted in a 32% decrease in traffic from last fiscal year and in looking at the three-year milestone, Facebook traffic has decreased 53% which is attributed to the trends and changes in social media platforms. She stated that amongst the various social media platforms, in 2020 and 2021, Tik Tok was the most downloaded app and most visited site on the internet. She added that data shows that the younger demographics are moving towards Tik Tok and Instagram and statistics also show that users spend more time on Tik Tok than any other platform. Ms. Beauchamps stated that Tik Tok users spend an average of 52 minutes per day and Facebook users spend an average of 34 minutes a day, in addition, Tik Tok has the highest engagement rate.



Ms. Beauchamps reported that PTBC has 3,900 followers on Facebook and only 14 followers on Tik Tok, however, since posting it's first Tik Tok video, it has already received 45 likes and was viewed 594 times and on Facebook it had only received 5 likes and 473 views. She added that PTBC is excited to utilize Tik Tok as an additional platform alongside other social media platforms as another method to reach our stakeholders and consumers.

Ms. Beauchamps reported that during fiscal year 2021/22, the PTBC provided virtual outreach workshops to 31 PT and PTA programs which was a 24% increase from last fiscal year. She added that PTBC provided webinars to CPTA and FSBPT as well.

Dr. Rabena-Amen asked about the new website development. Ms. Beauchamps responded that the new home page has been approved and the other tabs are being worked on and PTBC is hopeful it will be coming before the end of this fiscal year.

## **25. Application Services Update**

### **(A) Program Updates**

### **(B) Statistical Reports**

Ms. Conley reported that initial license applications received increased 3% from FY 2020/21 Q4 to FY 2021/22 Q4 and most of those applications were received online. She added that the composition of initial license applications was as follows: Endorsement 34%; Exam 66%; U.S. Educated 92%; Foreign Educated 8% and Military 4%.

Ms. Conley reported that the three-year data comparison from FY 2019/20 to FY 2021/22 shows a 2% decrease in physical therapist initial license applications received and a 12% increase in physical therapist assistant initial license applications received as well as an 11% increase in physical therapist licenses issued and an 8% increase in physical therapist assistant licenses issued. She added that there is an increase in PTA programs, currently there are 20 accredited PTA programs, and 5 of those were accredited since 2019 and there are 7 PTA programs seeking accreditation in the very near future.

Ms. Conley reported that outreach has been an invaluable tool and has helped applicants be more informed of the application process which makes it easier

for PTBC to process their applications. Ms. Conley added that internal process updates help increase efficiencies as well.

Ms. Conley reported that there have been a few staffing changes and that Ms. Valerie Kearney was appointed as the lead analyst in the Application and Licensing Program.

Ms. Eleby asked what outreach looks like for people in the military or military spouses. Ms. Conley responded that PTBC is working with DCA as it is a department-wide effort and DCA has a team dedicated to working with members of the military and military spouses. She added that PTBC has implemented an expedited licensure process for military applicants and PTBC has a direct contact for military applicants and military spouses as well as a page on our website dedicated to helpful military applicant information.

**26. Licensing Services Update**

**(A) Program Updates**

**(B) Statistical Reports**

Ms. Conley reported that the License Maintenance program continues to see most license maintenance requests submitted online and that PTBC staff are working to increase efficiency in responding to licensee inquiries, specifically for complex license maintenance issues and law and regulation questions; progress in this area is reliant, in part, on staffing resources.

**27. Continuing Competency Services Update**

**(A) Program Updates**

**(B) Statistical Reports**

Ms. Conley reported that effective July 1, 2022, licensee audits resumed; and that audit data and results will be reported at the December meeting.

Ms. Conley also stated that PTBC staff are in the process of working on the continuing competency regulations and proposed language will be presented for Board consideration soon.

Ms. Conley reported that as a result of the recent Approval Agency outreach effort, staff have identified several Approval Agencies as candidates for

recognition withdrawal. She referred members to the individual issue papers included in the meeting materials for each Approval Agency recognition withdraw recommendation.

## **1. Discussion and Possible Board Action on Removal of Continuing Competency Approval Agency Recognition**

### **i. ACIC Physical Therapy**

**MOTION:** Withdraw Approval Agency recognition from ACIC Physical Therapy.

**M/S:** Eleby/Dominguez

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

### **ii. California Chiropractic Association**

**MOTION:** Withdraw Approval Agency recognition from California Chiropractic Association

**M/S:** Drummer/Eleby

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

### **iii. California State University Sacramento**

**MOTION:** Withdraw Approval Agency recognition from California State University Sacramento

**M/S:** Dominguez/Armstrong

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

#### iv. Community Medical Centers

**MOTION:** Withdraw Approval Agency recognition from  
Community Medical Centers

**M/S:** Drummer/McMillian

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

### v. Del Norte Seminars

**MOTION:** Withdraw Approval Agency recognition from Del Norte Seminars

**M/S:** McMillian/Drummer

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye

McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

**vi. Edlantis Seminars, Inc.**

**MOTION:** Withdraw Approval Agency recognition from  
Edlantis Seminars, Inc.

**M/S:** McMillian/Armstrong

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

**vii. Medical Sciences Foundation**

**MOTION:** Withdraw Approval Agency recognition from  
Medical Sciences Foundation

**M/S:** Armstrong/McMillian

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

**viii. Net Education Design Inc.**

**MOTION:** Withdraw Approval Agency recognition from Net  
Education Design Inc.

**M/S:** McMillian/Drummer

1014  
1015 **VOTE:** Armstrong - Aye  
1016 Dominguez- Aye  
1017 Drummer - Aye  
1018 Eleby - Aye  
1019 Ervin - Aye  
1020 McMillian - Aye  
1021 Rabena-Amen – Aye  
1022 7-0 Motion Carried  
1023

1024 **ix. OnCourse Learning**  
1025

1026 **MOTION:** Withdraw Approval Agency recognition from  
1027 OnCourse Learning  
1028

1029 **M/S:** McMillian/Drummer  
1030

1031 **VOTE:** Armstrong - Aye  
1032 Dominguez- Aye  
1033 Drummer - Aye  
1034 Eleby - Aye  
1035 Ervin - Aye  
1036 McMillian - Aye  
1037 Rabena-Amen – Aye  
1038 7-0 Motion Carried  
1039

1040 **x. Orange County Global Medical Center**  
1041

1042 **MOTION:** Withdraw Approval Agency recognition from  
1043 Orange County Global Medical Center  
1044

1045 **M/S:** McMillian/Drummer  
1046

1047 **VOTE:** Armstrong - Aye  
1048 Dominguez- Aye  
1049 Drummer - Aye  
1050 Eleby - Aye  
1051 Ervin - Aye  
1052 McMillian - Aye  
1053 Rabena-Amen – Aye  
1054 7-0 Motion Carried  
1055

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1097

**xi. Progressus Therapy, LLC**

**MOTION:** Withdraw Approval Agency recognition from Progressus Therapy, LLC

**M/S:** Armstrong/Ervin

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

**xii. UE Seminars**

**MOTION:** Withdraw Approval Agency recognition from UE Seminars

**M/S:** Drummer/Ervin

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
7-0 Motion Carried

**xiii. Video Continuing Education, LLC**

**MOTION:** Withdraw Approval Agency recognition from Video Continuing Education LLC

**M/S:** McMillian/Drummer

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Aye



1098 Eleby - Aye  
1099 Ervin - Aye  
1100 McMillian - Aye  
1101 Rabena-Amen – Aye  
1102 7-0 Motion Carried  
1103

1104 **28. Consumer Protection Services Update**

1105 **(A) Program Updates**

1106 **(B) Statistical Reports**  
1107

1108 Ms. Erika Calderon reported that 2022 has been another year of adjustments  
1109 and challenges, but it has been extremely successful and productive for  
1110 Consumer Protection Services (CPS). She stated that CPS has onboarded an  
1111 in-house consultant, Dr. Alexandra Jones, P.T., to assist with the cursory review  
1112 of cases involving patient care and will be available to staff by phone, email and  
1113 eventually hopefully in person at least once a month for direct staff interaction.  
1114

1115 Ms. Calderon reported that CPS recently updated the PTBC's consumer  
1116 complaint form (now available on PTBC's webpage), making it easier to read,  
1117 fill out, and gather upfront investigative documents. She stated that instructions  
1118 were added to the front page to have complainants attach a copy of any  
1119 supporting documents they may have in their possession such as patient  
1120 records, photographs, audio or video recordings, correspondence (e.g., letters,  
1121 emails, texts), billing statements, proof of payments, police reports, court  
1122 documents, or internal employment administrative investigations. Ms. Calderon  
1123 reported that in addition, the Authorization for Release of Patient Health  
1124 Information Forms have been attached to the complaint and by doing all of this,  
1125 CPS staff hopes to save intake processing time, allowing staff to obtain much  
1126 more information upfront from the complainant instead of spending a couple of  
1127 weeks of back and- forth communication to gather all the necessary information  
1128 to conduct the initial review.  
1129

1130 Ms. Calderon reported that in terms of PTBC's Investigation Cycle time also  
1131 knows as our performance measure 3 (PM3), PTBC conducted a 4-year  
1132 analysis of our target measure and found that PTBC's average has been 171.25  
1133 days for the past 4 years, our previous target was 90 days. PTBC staff have  
1134 looked at other Boards and realized quickly that PTBC previously established a

1135 very ambitious goal in comparison to others, so our new target measure for PM3  
1136 is now 180 days.

1137  
1138 Ms. Calderon stated to help with case aging, CPS has implemented monthly  
1139 case reviews that are conducted on the last week of every month as well as also  
1140 working on getting CPS staff access to LexisNexis, a public records database,  
1141 which will allow CPS staff to look up information such as addresses and phone  
1142 numbers. She explained that this becomes extremely helpful in those instances  
1143 where our licensees have failed to update their address of record and staff are  
1144 unable to reach them.

1145  
1146 Ms. Calderon reported that monthly meetings with the Division of Investigation  
1147 (DOI) have been established and these meeting will be conducted on the last  
1148 Thursday of each month between the CPS manager and the Supervising  
1149 Special Investigator over DOI's enforcement support unit. She added that the  
1150 goal is to establish an open line of communication between the Board and the  
1151 Investigative staff to discuss enforcement related matters that may impact both  
1152 departments, case ageing, and also use this as an opportunity to discuss  
1153 urgent or high-profile cases to keep them moving along and worked efficiently.

1154  
1155 Ms. Calderon shared that on September 27, 2022, CPS staff will be attending  
1156 the NCIT Basic Training which is an in person training course hosted by DCA  
1157 covering topics such as the Principles of Administrative Law and the Regulatory  
1158 Process, the Investigative Process, Investigator Safety, Principles of Evidence,  
1159 Evidence Collection, Tagging and Storage, Interviewing Techniques, Overview  
1160 of Inspections and Inspection Procedures, Report Writing, Testifying in  
1161 Administrative and Criminal Proceedings. She added that in November, PTBC  
1162 staff will be attending the NCIT Specialized program, where staff will learn all  
1163 about Advanced Interviewing Techniques, Advanced Investigative Analysis, and  
1164 Investigative Report Development. She added that the last time CPS attended  
1165 this training was back 2011, so CPS is looking forward to a refresher course.

1166  
1167 Ms. Calderon reported that on October 4, 2022, CPS with the help of the  
1168 Attorney General's Office, will be conducting an expert reviewer training. This  
1169 training will be conducted via WebEx, and its goal is to onboard experts that are  
1170 needed with certain expertise and in certain counties where we don't have  
1171 enough experts. In addition, some of our current experts will be attending the  
1172 training as a refresher.

Ms. Calderon reported that CPS was extremely busy this fiscal year and that staff continue to meet each challenge each step of the way, they remain very flexible when needed and have been extremely supportive of their new manager and continue to efficiently and effectively investigate PTBC's consumer complaints.

Ms. Calderon referred members to Attachment A & B and stated that the number of consumer complaints and arrest/conviction reports received are reported in Performance Measure 1 (Complaint Intake) and these have increased by 13% compared to FY 2020/21. She explained that these numbers fluctuate regularly, and the increase is expected as the nation is heading towards normalcy after a national pandemic.

Ms. Calderon stated that the target for Performance Measure 2 (Complaint Initiation) is 10 days, and this is the average number of days it takes for PTBC to initiate a complaint and acknowledge receipt of the complaint. She added that PTBC's average this past year was 3 days, which means that we are excelling in meeting this mandate by 7 days.

Ms. Calderon reported that for Performance Measures 3 (Investigation Cycle Time) and Performance Measure 4 (AG Case Cycle Time) case aging was a bit higher in comparison to last year. She added that many times these numbers are known to fluctuate from year to year and as previously reported in past Board meetings one or two very complicated cases can increase these numbers substantially; however, with PTBC's monthly meetings with DOI and with our newly established LexisNexis contract staff hope to target this area significantly this year.

Ms. Calderon stated that CPS had an increase of 104% in the issuance of citations this past year; and CPS issued 53 citations YTD, compared to 26 issued last fiscal year. She added that citations are being utilized for lower-level violations and used as an educational tool for isolated record keeping matters, or in an instance where there was a failure to update an address of record.

Ms. Calderon stated that as previously reported in past recent quarters, pandemic-related issues continue to cause delays in many investigations, however we are seeing things slowly returning back to normal.

Ms. Calderon reported that for the 3-year milestone statistics PTBC is seeing an increase in total number of complaints received from a slight decline in FY 2019-2020; again, as previously mentioned we account the drop in FY2019-2020 as being related to the impact that COVID had to the practice.

Ms. Calderon stated that convictions have declined the past two years, however, there continues to be an increase in the average number of days to complete an investigation. She added that staff are seeing a decline in 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.

## **29. Probation Monitoring Services Update**

### **(A) Program Updates**

### **(B) Statistical Reports**

Ms. Calderon reported that there was a high of 72 licensees on probation at one time or another for various causes; besides the 67 licensees on probation and in the state of California, there were an additional 5 probationers tolling (out of state) and not receiving credit toward the completion of probation. She added that there were 9 licensees placed on probation in the quarter, and 2 licensees completed probation in the quarter.

Ms. Calderon reported that of the 67 licensees that were not tolling, 11 were enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program at the end of the quarter, equaling about 16% of all licensees on probation that weren't tolling. She added that 2 licensees enrolled in the Alcohol Recovery Monitoring Program in the quarter and 3 licensees completed the program. She stated that there was one instance of Non-Compliance with probation when a licensee failed to check-in to find out if they needed to provide a biological fluid sample for testing that day and that the licensee was sent a Non-Compliance Letter and warned that further instances of non-compliance may lead to further consequences and/or discipline of their license.

Ms. Calderon stated that over the last 3 years, there have been some fluctuations regarding the number of licensees on probation which is probably due to COVID-19, some clean-up of PTBC's Breeze records, and the fact that some of our tolling licensees out of state let their licenses cancel. She added that this has resulted in an overall decrease in licensees tolling out of state; however, the number of licensees that were placed on probation rose from 9 licensees in 2019/20 to 12 licensees in 2020/21 and jumped again to twenty-23

licensees in fiscal year 2021/22, resulting in an overall increase in licensees on probation.

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

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

**31. Agenda for Future Meeting- December 7-8, 2022**

**Department of Consumer Affairs**

Ms. Eleby stated that recently, Gavin Newsom passed a law where if cannabis use is happening at work employers cannot terminate an employee, and that she would be interested in discussing that further with the Board and how cannabis interacts with the practice of physical therapy. She added that there are products that are non-psychoactive like topicals and tinctures where there could be a medicinal benefit and asked if that information is in curriculum. She asked that since we are in a state where it is legal medicinally and recreationally, is there a responsibility to educate our students on how to recommend cannabis products to patients or direct them towards where they can get more medicinal products. Dr. Drummer added that there have been continuing education presentations on cannabis products and their relevance to physical therapy that can be helpful. Dr. Dominguez stated that from an academic perspective, he has not seen it covered in foundational coursework, but it is being covered in courses that address emerging topics. Mr. Kaiser stated that we can reach out to FSBPT and APTA for presentations they may offer and also invite our colleagues from the Department of Cannabis Control.

Dr. Rabena-Amen asked about the Kinesiological Electromyography (KEMG) and Electroneuromyography (ENMG) certification and licenses. Mr. Kaiser stated that he has had conversations with CPTA as of late where we did bring in a few of ENMG and KEMG license holders to talk about where the board is with these specialty certifications. He added that it is a very small licensing population, and that dry needling will also need to be a part of this conversation. Mr. Kaiser stated we have only received one application in the past few years and that the examination for both specialty licenses is rather old and establishing a new exam is very costly and the demand is extremely low. He stated that PTBC will need to look to the future to consider these specialties when it comes to our Practice Act, tissue penetration and the conflict of the Medical Practice Act.

Dr. Rabena-Amen asked about any recommendations on regulations to work on for the next year, Mr. Kaiser added that staff would like to address the continuing competency regulations and that staff will be presenting the 2023 Rulemaking Calendar at the December meeting for board consideration.

**32. 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 the following litigation: *Alan Kun-Sien Kyo v. Physical Therapy Board of California* (Superior Court of California, County of Sacramento, Case number 34-2021-80003743)

The Board did not enter into closed session on September 22, 2022, day two of the meeting.

**33. Adjournment**

The meeting adjourned at 1:12 p.m. on September 22, 2022.

# Physical Therapy Board of California Proposed 2023 Meeting Calendar

January							February							March							April						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
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September							October							November							December						
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3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
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																					31						

January		February		March		April	
2	New Year's Day	20	President's Day	23 24	PTBC Meeting	4 5	PTA NPTE
4 5	PTA NPTE	22 25	APTA Sections Meeting	TBD, Bay Area, CA		TBD	CPTA Student Conclave
16	Martin Luther King Jr	San Diego, CA				TBD	
25 26	PT NPTE			31	César Chávez Day	9	Easter
						26 27	PT NPTE

May		June		July		August	
14	Mother's Day	TBD	FSBPT REG Training	4	Independence Day		
TBD	FSBPT BM Training		Alexandria, VA	5 6	PTA NPTE		
	Alexandria, VA	18	Father's Day	22 23	FSBPT LIF		
29	Memorial Day	21 23	PTBC Meeting		Alexandria, VA		
			Strategic Plan Meeting	25 26	PT NPTE		
			Sacramento, CA				

September		October		November		December	
4	Labor Day	4 5	PTA NPTE	10	Veteran's Day	7 8	PTBC Meeting
13 14	PTBC Meeting TBD Southern CA	7 8	CPTA Annual Meeting Long Beach, CA	23	Thanksgiving		Sacramento, CA
		19 21	FSBPT Annual Meeting Jacksonville, FL			25	Christmas
		25 26	PT NPTE				
		31	Halloween				

# Physical Therapy Board of California Proposed 2024 Meeting Calendar

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January		February		March		April	
1	New Year's Day	19	President's Day	20 21	PTBC Meeting	3 4	PTA NPTE
3 4	PTA NPTE	15 17	APTA Sections Meeting		TBD, Bay Area, CA	TBD	CPTA Annual Meeting
15	Martin Luther King Jr		Boston, MA				TBD
23 24	PT NPTE			31	César Chávez Day	24 25	PT NPTE
				31	Easter		

May		June		July		August	
12	Mother's Day	TBD	FSBPT REG Training Alexandria, VA	4	Independence Day		
TBD	FSBPT BM Training Alexandria, VA	16	Father's Day	2 3	PTA NPTE		
27	Memorial Day	20 21	PTBC Meeting Sacramento, CA	TBD	FSBPT LIF Alexandria, VA		
				24 25	PT NPTE		

September		October		November		December	
2	Labor Day	TBD	FSBPT Annual Meeting	11	Veteran's Day	5 6	PTBC Meeting
18 19	PTBC Meeting		TBD	28	Thanksgiving		PTBC Meeting
	TBD Southern CA	8 9	PTA NPTE			25	Sacramento, CA
TBD	CPTA Annual Meeting	29 30	PT NPTE				Christmas
	TBD	31	Halloween				





## **Briefing Paper**

**Date:** November 2, 2022

**Agenda Item 10**

**Prepared for:** PTBC Members

**Prepared by:** Brooke Arneson

**Subject:** Legislation Report

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### **Purpose:**

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

**Attachments:**

1. [2022 Legislative Calendar](#)
2. [2023 Legislative Calendar](#)
3. [Definition of the Board's Legislative Positions](#)
4. [2021/22 Legislative Summary](#)

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### **Background and Update:**

The 2022 and 2023 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.

A 2021/22 Legislative summary is included which notes all bills from the current Legislative session that could potentially impact Physical Therapy practice, regulation, or the operation of the Physical Therapy Board.

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### **Recent and Upcoming Legislative Calendar Highlights:**

<b>September 30, 2022</b>	Last Day for the Governor to Sign or Veto Bills Passed by the Legislature on or Before Sept. 10 <sup>th</sup> and in the Governor's Possession After Sept. 10 <sup>th</sup> .
<b>January 1, 2023</b>	Statutes take Effect
<b>January 4, 2023</b>	Legislature Reconvenes
<b>February 17, 2023</b>	Last Day for Bills to be Introduced

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### **Action:**

No action requested.

JANUARY						
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FEBRUARY						
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APRIL						
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MAY						
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29	<a href="#">30</a>	<a href="#">31</a>				

- DEADLINES
- [Jan. 1](#)

Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 3](#)

Legislature **reconvenes** (J.R. 51(a)(4)).
- [Jan. 10](#)

Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- [Jan. 14](#)

Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- [Jan. 17](#)

Martin Luther King, Jr. Day.
- [Jan. 21](#)

Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- [Jan. 21](#)

Last day to submit **bill requests** to the Office of Legislative Counsel.
- [Jan. 31](#)

Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).
- [Feb. 18](#)

Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- [Feb. 21](#)

Presidents' Day.
- [Apr. 1](#)

Cesar Chavez Day observed
- [Apr. 7](#)

**Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- [Apr. 18](#)

Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- [Apr. 29](#)

Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- [May 6](#)

Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- [May 13](#)

Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- [May 20](#)

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 May 31 (J.R. 61 (b)(9)).
- [May 23-27](#)

**Floor Session only.** No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- [May 27](#)

Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- [May 30](#)

Memorial Day.
- [May 31](#)

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

\*Holiday schedule subject to final approval by the Rules Committee

JUNE						
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JULY						
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AUGUST						
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June 15

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

June 30

Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).

July 1

Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day’s session if Budget Bill has been passed (J.R. 51(b)(2)).

July 4

Independence Day.

Aug. 1

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

Aug. 12

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

Aug. 15 - 31

**Floor Session only.** No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).

Aug. 25

Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

Aug. 31

Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).

**Final Recess** begins at end of this day’s session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022	
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. 8	General Election.
Nov. 30	Adjournment <u>Sine Die</u> at midnight (Art. IV, Sec. 3(a)).
Dec. 5	12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).
2023	
Jan. 1	Statutes take effect (Art. IV, Sec. 8(c)).

DEADLINES

JANUARY						
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FEBRUARY						
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26	27	28				

MARCH						
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APRIL						
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30						

MAY						
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21	22	23	24	25	26	27
28	<u>29</u>	<u>30</u>	<u>31</u>			

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4 Legislature **reconvenes** (J.R. 51(a)(1)).
- Jan. 10 Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16 Martin Luther King, Jr. Day
- Jan. 20 Last day to submit **bill requests** to the Office of Legislative Counsel
- 
- Feb. 17 Last day for bills to **be introduced** (J.R. 61(a),(1)(J.R. 54(a)).
- Feb. 20 Presidents’ Day.
- 
- Mar. 30 **Spring recess** begins upon adjournment of this day’s session (J.R. 51(a)(2)).
- 
- Mar. 31 Cesar Chavez Day.
- 
- Apr. 10 Legislature reconvenes from **Spring recess** (J.R. 51(a)(2)).
- 
- Apr. 28 Last day for **policy committees** to hear and report to **fiscal committees** **fiscal bills** introduced in their house (J.R. 61(a)(2)).
- 
- May 5 Last day for **policy committees** to hear and report to the floor **non-fiscal bills** introduced in their house (J.R. 61(a)(3))
- May 12 Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).
- May 19 Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)).
- 
- 
- 
- Last day for **fiscal committees** to meet prior to June 5 (J.R. 61(a)(6)).
- May 29 Memorial Day.
- May 30-June 2 **Floor Session Only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).

\*Holiday schedule subject to Senate Rules committee approval

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 2Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).
- June 5Committee meetings may resume (J.R. 61(a)(9)).
- June 15Budget must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

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 4Independence Day.
- July 14Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).
- Summer Recessbegins upon adjournment of session provided Budget Bill has been passed (J.R. 51(a)(3)).

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. 14Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

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

- Sept. 1Last day for **fiscal committees** to meet and report bills to Floor (J.R. 61(a)(11)).
- Sept. 4Labor Day.
- Sept. 5-14**Floor session only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(12)).
- Sept. 8Last day to **amend** on the floor (J.R. 61(a)(13)).
- Sept. 14Last day for **each house to pass bills** (J.R. 61(a)(14)).  
**Interim Study Recess** begins at the end of this day’s session (J.R. 51(a)(4)).

\*Holiday schedule subject to Senate Rules committee approval

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

- 2023  
Oct. 14Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 14 and in his possession after Sept. 14 (Art. IV, Sec.10(b)(1)).
- 2024  
Jan. 1Statutes take effect (Art. IV, Sec. 8(c)).  
Jan. 3Legislature reconvenes (J.R. 51(a)(4)).

**Legislation - Definition of the  
Positions Taken by the Physical  
Therapy Board Regarding  
Proposed Legislation**

*(Board Policy)*

The Board will adopt the following positions regarding pending or proposed legislation.

**Oppose:** The Board will actively oppose proposed legislation and demonstrate opposition through letters, testimony and other action necessary to communicate the oppose position taken by the Board.

**Oppose, unless amended:** The Board will take an opposed position and actively lobby the legislature to amend the proposed legislation.

**Neutral:** The Board neither supports nor opposes the addition/amendment/repeal of the statutory provision(s) set forth by the bill.

**Watch:** The watch position adopted by the Board will indicate interest regarding the proposed legislation. The Board staff and members will closely monitor the progress of the proposed legislation and amendments.

**Support, if amended:** The Board will take a supportive position and actively lobby the legislature to amend the proposed legislation.

**Support:** The Board will actively support proposed legislation and demonstrate support through letter, testimony and any other action necessary to communicate the support position taken by the Board.

## [AB 1604](#)

### **The Upward Mobility Act of 2022: Boards and Commissions; Civil Service: Examinations: Classifications**

Author: Holden (D)

Status: Approved by the Governor and Chaptered 9/13/2022. Chapter 313, Statutes of 2022.

Position: No Position

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

#### Summary:

This bill, except as specified, requires all state boards and commissions consisting of one or more volunteer members or commissioners, to have at least one volunteer board member or commissioner from an underrepresented community, as defined, on or after January 1, 2023. This bill also further clarifies that new board or commission members should be replaced, under these parameters, as vacancies occur. This bill also requires all state agencies who collect demographic information to use separate collection categories and tabulations for specified black and African American groups.

## [SB 731](#)

### **Criminal Records: Relief**

Author: Durazo (D)

Status: Approved by the Governor and Chaptered 9/29/2022. Chapter 814, Statutes of 2022.

Position: No Position

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

#### Summary:

This bill expands felonies that are eligible for automatic record sealing to include convictions for certain felonies that resulted in incarceration, as long as the individual had completed their sentence and has not been convicted of a new felony offense for four years.

## [SB 1237](#)

### **Licenses: Military Service**

Author: Newman (D)

Status: Approved by the Governor and Chaptered 9/17/2022. Chapter 386, Statutes of 2022.

Position: No Position

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

#### Summary:

This bill requires the boards within DCA to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California.



## [SB 1438](#)

### **Physical Therapy Board of California Meetings: Remote Access**

Author: Roth (D)

Status: Approved by the Governor and Chaptered 9/23/2022. Chapter 509, Statutes of 2022.  
Position: Support

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

#### Summary:

This bill extends the operations of the Physical Therapy Board of California (Board) until January 1, 2027 and grants the Board the authority to continue to oversee and regulate physical therapy practice in California. This bill also extends the Board's authority to appoint an Executive Officer until January 1, 2027. In addition, this bill authorizes physicians and surgeons to conduct an in-person or telehealth patient examination and evaluation of the patient's condition in connection with their approval of the physical therapist's plan of care.

## [SB 1495](#)

### **Professions and Vocations:**

Author: Senate B&P Committee

Status: Approved by the Governor and Chaptered 9/23/2022. Chapter 511, Statutes of 2022.  
Position: No Position

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

#### Summary:

This is the omnibus bill for the Senate Committee on Business, Professions and Economic Development. It updates the name of the Office of Statewide Health Planning and Development to the Department of Healthcare Access and Information and removes gendered terms throughout the Business and Professions Code. This bill also revises continuing education certification for dental hygienists and verification of eligibility for geologists in training.





## **Briefing Paper**

**Date:** November 3, 2022

**Agenda Item 11(A)**

**Prepared for:** PTBC Members

**Prepared by:** Brooke Arneson

**Subject:** Rulemaking Report

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

**Attachments:**

1. [2022 Rulemaking Update](#)
2. [Rulemaking Processing Timelines](#)
3. [Overview of the Regulatory Process](#)

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## **Background:**

At the December 2021 meeting, the Board adopted the 2022 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](http://www.oal.ca.gov/Notice_Register.htm)

From the 2022 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.

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## **Action:**

No action is requested on presentation of the rulemaking report.

## 2022 Rulemaking Update

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

#### Initial Phase:



#### Final Phase:

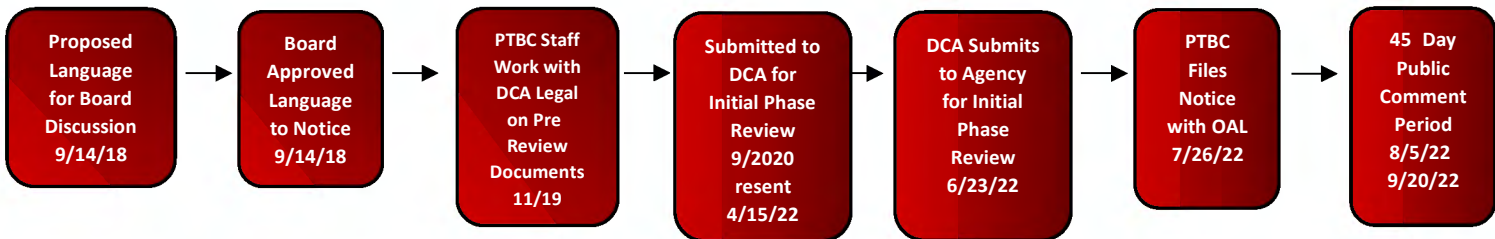


**Notes:** This regulation proposes to amend CCR 1398.26.1, Article 2, Division 13.2 of Title 16 to restructure the Coursework Tools (CWT's) into an outline format for reading ease; adds CWT 6; provides the general rule for PTs in subdivision (b); addresses the acceptance of CWT 6 in subdivision (c), adds the PTA provision in subdivision (d) and incorporates the CWT's by reference in subdivision (e). PTBC staff presented proposed language for Board consideration at the June 2019 Board meeting and the Board approved the modified proposed language and directed PTBC staff to initiate the formal rulemaking process. In September 2020, PTBC staff forwarded the initial rulemaking package to DCA Legal for review. On June 20, 2022, the initial rulemaking package was sent to Agency, and it was approved on July 25, 2022. The initial rulemaking package was filed with OAL and published on August 5, 2022, and the 45-day comment period ended on September 20, 2022, and no adverse public comments were received. PTBC staff submitted the final rulemaking package to DCA on October 19, 2022, and it was approved on October 23, 2022. and submitted to Agency on October 24, 2022. Agency approved the final rulemaking package on November 7, 2022, and it was submitted to OAL for final approval on November 7, 2022. PTBC staff have asked for an expedited effective date of January 1, 2023, from OAL.

## 2022 Rulemaking Update

### FSBPT's Performance Evaluation Tool (PET) 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. In September 2020, PTBC staff submitted the initial rulemaking package to DCA Legal for review and upon further review, DCA Legal and OAL determined that the PET and CPI would need to be incorporated by reference and since this is a non-substantive change the language will be modified to reflect this which is within the Executive Officer's delegation. On June 23, 2022, the initial rulemaking package was sent to Agency and was approved on July 25, 2022. The initial rulemaking package was filed with OAL and published on August 5, 2022, and the 45-day comment period ended on September 20, 2022. and no adverse public comments were received. PTBC staff submitted the final rulemaking package to DCA on October 5, 2022, and it was approved on October 20, 2022, and submitted to Agency on October 20, 2022. Agency approved the final rulemaking package on November 7, 2022, and it was submitted to OAL for final approval on November 7, 2022. PTBC staff have asked for an expedited effective date of January 1, 2023, from OAL.

## 2022 Rulemaking Update

### License Renewal Exemptions: Retired License Status

Initial Phase:



Final Phase:

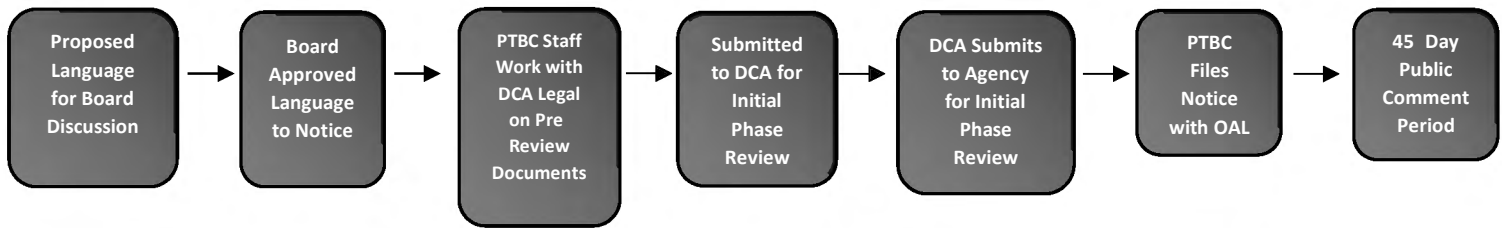


**Notes:** This regulation proposes to add CCR 1399.57, to Article 10, Division 13.2 of Title 16. BPC Section 2648.7 was repealed effective July 1, 2019, which removed the existing, unclear retired license statute and allowed the PTBC to rely on the new retired license statute BPC Section 464 (AB 2859). At the March 2021 Board meeting proposed language was presented for Board consideration and staff worked with DCA Legal to address concerns addressed with the language. Board approved language for Notice on September 16, 2021. The initial rulemaking package went to Agency for their review on May 9, 2022, and was approved on June 6, 2022. The initial rulemaking package was filed with OAL and published on June 17, 2022, and the 45-day comment period ended on August 2, 2022. At the September 2022 Board meeting the Board reviewed the public comments received and adopted responses to the comments to include in the final rulemaking package. The final rulemaking package was submitted to DCA for review on October 7, 2022 and was approved on October 14, 2022. It was submitted to Agency for final review on October 14, 2022, and approved on October 21, 2022. On October 21, 2022, the final rulemaking package was submitted to OAL for review. PTBC staff have asked for an expedited effective date of January 1, 2023, from OAL.

## 2022 Rulemaking Update

### Continuing Competency

Initial Phase:



Final Phase:



**Notes:** This regulation proposes to amend CCR 1399.90 – 1399.99, Article 14, Division 13.2 of Title 16. This proposed regulation was placed on the 2022 Rulemaking Calendar that was adopted at the Board meeting on December 12, 2021. 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:

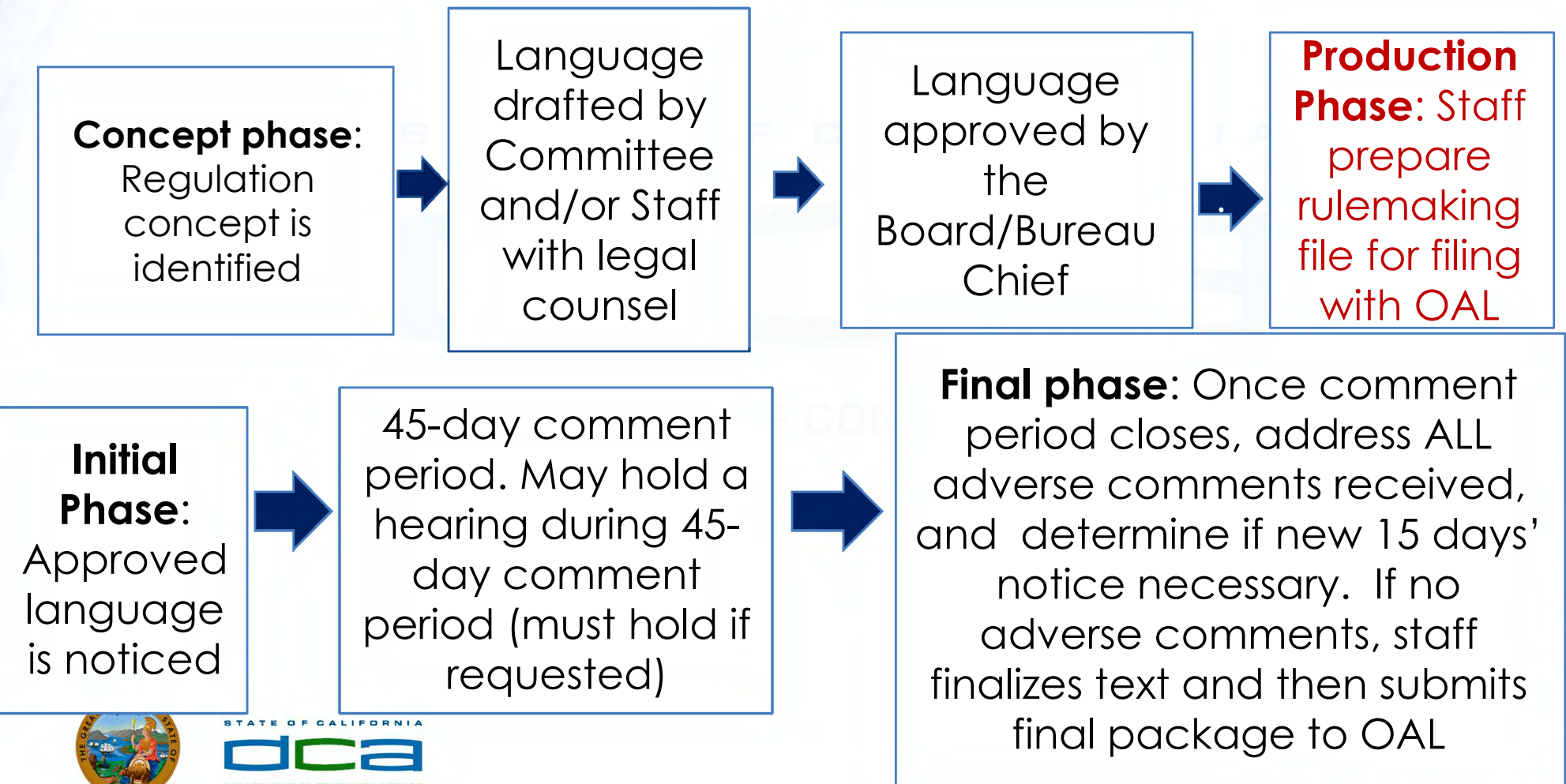
#### Date Filed with the Secretary of State

#### Effective Date

September 1 <sup>st</sup> – November 30 <sup>th</sup> .....	January 1 <sup>st</sup>
December 1 <sup>st</sup> – February 29 <sup>th</sup> .....	April 1 <sup>st</sup>
March 1 <sup>st</sup> – May 31 <sup>st</sup> .....	July 1 <sup>st</sup>
June 1 <sup>st</sup> – August 31 <sup>st</sup> .....	October 1 <sup>st</sup>



# General Overview of Regulatory Process





## **Briefing Paper**

Date: November 8, 2022

## **Agenda Item 12**

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: 2023 Rulemaking Calendar

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### **Purpose:**

To introduce the proposed 2023 Rulemaking Calendar.

**Attachments:** 1. [Proposed 2023 Rulemaking Calendar](#)

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### **Background:**

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

Board staff has been reviewing all regulations under Division 13.2 of Title 16 of the California Code of Regulations to identify regulations in need of amending or repealing. From this review, staff is proposing the attached rulemaking to be added to the 2023 Rulemaking Calendar.

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### **Action Requested:**

To adopt the 2023 Rulemaking Calendar as required by Government Code (GC) § 11017.6.



**DEPARTMENT OF CONSUMER AFFAIRS  
Physical Therapy Board of California  
2023 RULEMAKING CALENDAR**

**SCHEDULE A: NO PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED  
DURING THE YEAR 2022**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
TO THE YEAR 2022**

**Subject: Satisfactory Documentary Evidence of Equivalent Degree for Licensure  
as a Physical Therapist or Physical Therapist Assistant/Coursework Tool (CWT)**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1398.26.1

**Statute(s) Being Implemented:**

Business and Professions Code section 2650 & 2653

**Responsible Agency Unit:** Administrative Services

**Contact Person and Phone Number:** Brooke Arneson (916) 561-8260

**Notice Publication Date:** 8/5/2022

**Public Hearing Date:** No hearing requested nor held

**Adoption by Your Agency Date:** 6/21/2019

**Submitted to OAL for Review Date:** 11/7/2022

NEXT

**Subject: Clinical Service Requirements for Foreign Educated Applicants (PET)**

**California Code of Regulations Title and Sections Affected:** 16 CCR 1398.26.5

**Statute(s) Being Implemented:**

Business and Professions Code sections 2650 & 2653

**Responsible Agency Unit:** Administrative Services

**Contact Person and Phone Number:** Brooke Arneson (916) 561-8260

**Notice Publication Date:** 8/5/2022

**Public Hearing Date:** No hearing requested nor held

**Adoption by Your Agency Date:** September 13-14, 2018

**Submitted to OAL for Review Date:** 11/7/2022

NEXT

**Subject:** License Renewal Exemptions: Retired License Status and Fees

**California Code of Regulations Title and Sections Affected:** 16 CCR 1399.18, 1399.50, and 1399.52

**Statute(s) Being Implemented:** Business and Professions Code sections 118, 144, 464, 2647, 2649, 2660, and 2688

**Responsible Agency Unit:** Administrative Services

**Contact Person and Phone Number:** Brooke Arneson (916) 561-8260

**Notice Publication Date:** 6/17/2022

**Public Hearing Date:** No hearing requested nor held

**Adoption by Your Agency Date:** 9/16/2021

**Submitted to OAL for Review Date:** 10/21/2022

NEXT

**Subject:** Continuing Competency

**California Code of Regulations Title and Sections Affected:**  
16 CCR 1399.90 through 1399.99

**Statute(s) Being Implemented:**  
Business and Professions Code section 2644 & 2649

**Responsible Agency Unit:** Administrative Services

**Contact Person and Phone Number:** Brooke Arneson (916) 561-8260

**Projected Notice Publication Date:** November 2023

**Projected Public Hearing Date:** None anticipated unless requested

**Adoption by Your Agency Date:** September 2023

**Projected to OAL for Review Date:** May 2024

NEXT

**Subject: Continuing Competency Approval Agency Fees**

**California Code of Regulations Title and Sections Affected:**  
16 CCR 1399.90 through 1399.99

**Statute(s) Being Implemented:**  
Business and Professions Code section 2644 & 2649

**Responsible Agency Unit:** Administrative Services

**Contact Person and Phone Number:** Brooke Arneson (916) 561-8260

**Projected Notice Publication Date:** November 2023

**Projected Public Hearing Date:** None anticipated unless requested

**Adoption by Your Agency Date:** September 2023

**Projected to OAL for Review Date:** May 2024

NEXT

**Report on the Status of all Uncompleted Rulemaking Described on Previous  
Calendars:**

The Physical Therapy Board of California has no uncompleted rulemaking during the previous calendar year to report.



## **Briefing Paper**

## **Agenda Item 19 (A)**

**Date:** November 14, 2022

**Prepared for:** PTBC Members

**Prepared by:** Liz Constancio, Manager

**Subject:** Budget Report

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**Purpose:** To provide an update on the PTBC's Budget activities and statistics for quarter one (Q1) for CY 2022-23.

Attachments: [1. Expenditure Report](#)  
[2. Revenue Report](#)  
[3. Expenditure & Revenue Measures Report](#)

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### **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).

CY2022-23, according to the Governor's Budget, the PTBC is authorized \$6,813,000 which includes personnel services, operating expenses, and equipment, and 27.4 positions to support program requirements. The PTBC's Operating Expenses (PERS SVS/OE&E) budget for (CY22-23) has increased \$176,000 or 2.65% over previous fiscal year's budget allotment of \$6,637,000 (PY2021-22).

The PTBC's fund is projected at 6.6 months reserve CY2022-23, and 4.4 reserve BY2023-24.

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### **Analysis:**

PTBC spent \$2,114,370 Q1 (CY22-23), an overall 8.57% increase from previous fiscal year's Q1 expenditures of \$1,947,377 (PY21-22). The PTBC had an increase of \$74,204 in Personnel services, \$4,225 increase in General services, \$28,702 increase in Departmental services, and \$131,936 increase in Enforcement cost.

PTBC collected \$1,835,792,000 during Q1 (FY21-22), an overall 12.56% increase over Q1 revenue of \$1,630,900 last fiscal year (FY20-21). The PTBC had a \$4,145 increase in Other Regulatory fees, \$53,948 increase in Initial Applications, \$145,500 increase in Renewals, \$699 in Miscellaneous fees, \$7,546 decrease in Scheduled Reimbursements, and \$25,583 increase in unscheduled reimbursements.

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**Action Requested:** No action requested.

Expenditure Statistics Report

Budget Line Items	PY (2021-2022)		CY (2022-23)				
	Authorized	Q1	Authorized	Q1	YTD	Percent	Balance
	Budget	Jul-Sep	Budget	Jul - Sep	(As of 09/30/22)	Budget Spent	Remaining
PERSONNEL SERVICES							
Civil Services Permanent	1,801,000	438,647	1,799,000	436,329	436,329	24%	1,362,671
Temp help	0	17,383	0	50,299	50,299	-	(50,299)
Statutory Exempt	77,000	28,342	77,000	30,475	30,475	40%	46,525
Board Members	12,000	6,900	12,000	8,500	8,500	71%	3,500
Overtime	0	0	0	0	0	-	0
Staff Benefits	1,125,000	289,824	1,135,000	329,697	329,697	29%	805,303
TOTAL PERS SVS	3,015,000	781,096	3,023,000	855,300	855,300	28%	2,167,700
OPERATING EXPENSES & EQUIPMENT							
General Services Totals	604,000	85,257	621,000	89,482	89,482	14%	531,518
Fingerprints	99,000	3,430	99,000	5,194	5,194	5%	93,806
General Expense	7,000	1,162	7,000	2,867	2,867	41%	4,133
Minor Equipment	10,000	0	26,000	933	933	4%	25,067
Major Equipment	0	0	0	0	0	-	0
Printing	17,000	3,472	17,000	305	305	2%	16,695
Communications	17,000	1,831	17,000	655	655	4%	16,345
Postage	9,000	0	9,000	678	678	8%	8,322
Insurance	0	0	0	0	0	-	0
Travel in State	13,000	85	13,000	0	0	0%	13,000
Training	6,000	0	6,000	0	0	0%	6,000
Facilities Operations (Rent/Leases)	261,000	58,209	261,000	59,670	59,670	23%	201,330
C&P SRVS Internal (Inter Dept. SRVS Other)	12,000	0	12,000	0	0	0%	12,000
C&P SRVS External	153,000	17,068	154,000	19,180	19,180	12%	134,820
Departmental Services Totals	1,101,000	508,001	1,026,000	479,299	479,299	47%	546,701
Consumer Client Services DIV (ProRata)	1,030,000	504,500	955,000	479,000	479,000	50%	476,000
Interagency Services	37,000	0	37,000	3	3	0%	36,997
Consolidated Data Center (5344000)	18,000	0	18,000	0	0	0%	18,000
Information Technology	16,000	3,501	16,000	296	296	2%	15,704
Exams Totals	0	2,954	0	0	0	-	0
Exam Admin External (Tech SRVS FSBPT)	0	2,954	0	0	0	-	0
Enforcement Totals	2,016,000	630,409	2,242,000	762,345	762,345	34%	1,479,655
Attorney General	794,000	125,478	794,000	133,819	133,819	17%	660,181
Office of Admin Hearings	110,000	0	110,000	0	0	0%	110,000
Evidence/Witness	100,000	10,431	100,000	10,538	10,538	11%	89,462
Court Reporters	0	0	0	488	488	-	(488)
DOI Investigation (5342500050)	1,012,000	494,500	1,238,000	617,500	617,500	50%	620,500
TOTAL OE & E	3,721,000	1,226,621	3,889,000	1,331,126	1,331,126	34%	2,557,874
TOTALS, PERS SVS/OE&E	6,736,000	2,007,717	6,912,000	2,186,426	2,186,426	32%	4,725,574
*Fingerprint Reimbursements	-97,000	(15,533)	-97,000	(1,666)	(1,666)	2%	(95,334)
*Other Scheduled Reimbursements	-2,000	0	-2,000	0	0	0%	(2,000)
Un-Scheduled Reimbursements							
Cost Recovery -Investigations	0	(40,782)	0	(66,640)			
Cost Recovery - Probation Monitoring	0	(4,025)	0	(3,750)	-3,750	0%	0
TOTAL REIMBURSEMENTS	-99,000	(60,340)	-99,000	(72,056)	(72,056)	1	26,944
TOTALS, PERS SVS/OE&E (-REIM)	6,637,000	1,947,377	6,813,000	2,114,370	2,114,370	31%	4,698,630

\* PTBC is only authorized to deduct 99k from Scheduled or Unscheduled reimbursements towards expenditures.

Revenue Statistics Report

Revenue Line Items	FY 2021-22			CY 2022-23							
	Q1		YTD	Q1		Q2		Q3		Q4	YTD
	Jul	Sep	As of 9/30/21	Jul -Sep	Oct	Dec	Jan	Mar	Apr	Jun	As of 9/30/2022
OTHER REGULATORY											
Cite and Fine (Citations)	6,650		6,650	7,775	0		0		0		7,775
Endorsement (License Verification)	19,740		19,740	20,760	0		0		0		20,760
Duplicate License / Certificate	1,800		1,800	3,800	0		0		0		3,800
TOTALS	28,190		28,190	32,335	0		0		0		32,335
INITIAL APPLICATION & LICENSE											
FPTA Application & Initial License Fee	2,400		2,400	3,600	0		0		0		3,600
FPT Application Fee	10,549		10,549	14,449	0		0		0		14,449
ENMG Exam Fee	0		0	0	0		0		0		0
ENMG Application Fee	0		0	0	0		0		0		0
KEMG Exam Fee	0		0	0	0		0		0		0
KEMG Application Fee	0		0	0	0		0		0		0
PTA Application & Initial License Fee	47,100		47,100	67,800	0		0		0		67,800
PT Application Fee	141,399		141,399	160,800	0		0		0		160,800
PT Initial License Fee	74,599		74,599	89,749	0		0		0		89,749
Refunded Reimbursements	0		0	0	0		0		0		0
Overt/Short Fees	0		0	0	0		0		0		0
Suspended Revenue	5,401		5,401	2,404	0		0		0		2,404
Prior Year Revenue Adjustment	-1,347		-1,347	-4,753	0		0		0		-4,753
TOTALS	280,101		280,101	334,049	0		0		0		334,049
LICENSE RENEWAL											
PTA Renewal Fee	288,600		288,600	333,450	0		0		0		333,450
PT Renewal Fee	1,020,100		1,020,100	1,120,800	0		0		0		1,120,800
ENMG	0		0	0	0		0		0		0
KEMG	100		100	150	0		0		0		150
Automated Revenue Refund Claim	100		100	0	0		0		0		0
Overt/Short Fees	0		0	0	0		0		0		0
TOTALS	1,308,900		1,308,900	1,454,400	0		0		0		1,454,400
DELINQUENT LICENSE RENEWAL											
PTA Delinquent Fee	2,100		2,100	3,300	0		0		0		3,300
PT Delinquent Fee	9,600		9,600	9,000	0		0		0		9,000
EN Delinquent Fee	0		0	0	0		0		0		0
EK Delinquent Fee	0		0	0	0		0		0		0
TOTALS	11,700		11,700	12,300	0		0		0		12,300
MISCELLANEOUS											
Public Sales	0		0	0	0		0		0		0
Surplus Money Investments	0		0	0	0		0		0		0
Attorney General Proceeds	0		0	0	0		0		0		0
Unclaimed/Cancelled Warrants	1,959		1,959	2,708	0		0		0		2,708
Miscellaneous Income	50		50	0	0		0		0		0
TOTALS	2,009		2,009	2,708	0		0		0		2,708
SCHEDULED REIMBURSEMENTS											
Fingerprint Reports	9,212		9,212	1,666	0		0		0		1,666
External/Private/Grant	0		0	0	0		0		0		0
TOTALS	9,212		9,212	1,666	0		0		0		1,666
UNSCHEDULED REIMBURSEMENTS											
Cost Recovery - Investigations	40,782		40,782	66,640	0		0		0		66,640
Cost Recovery - Probation Monitoring	4,025		4,025	3,750	0		0		0		3,750
TOTALS	44,807		44,807	70,390	0		0		0		70,390
TOTAL REVENUES	1,630,900		1,630,900	1,835,792	0		0		0		1,835,792



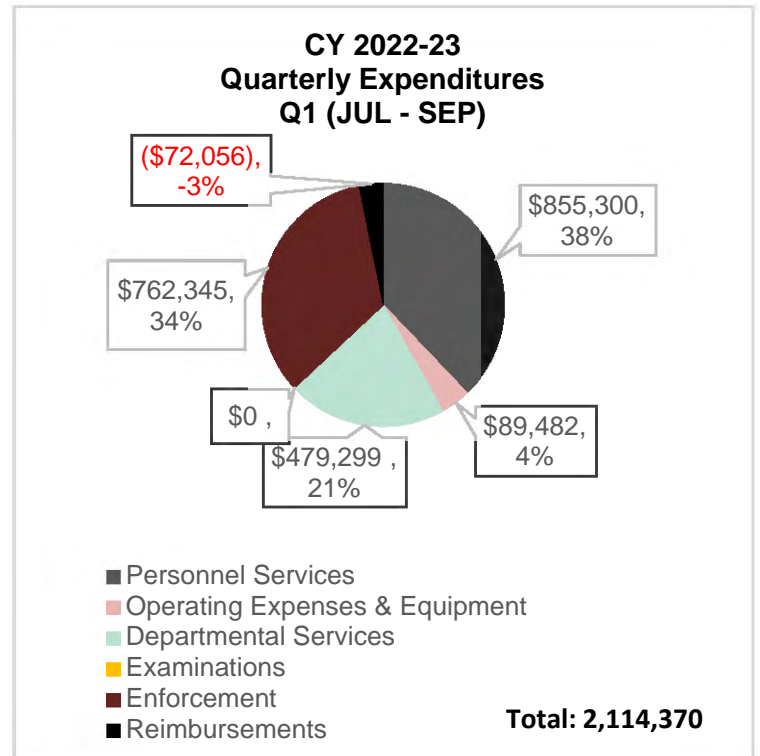
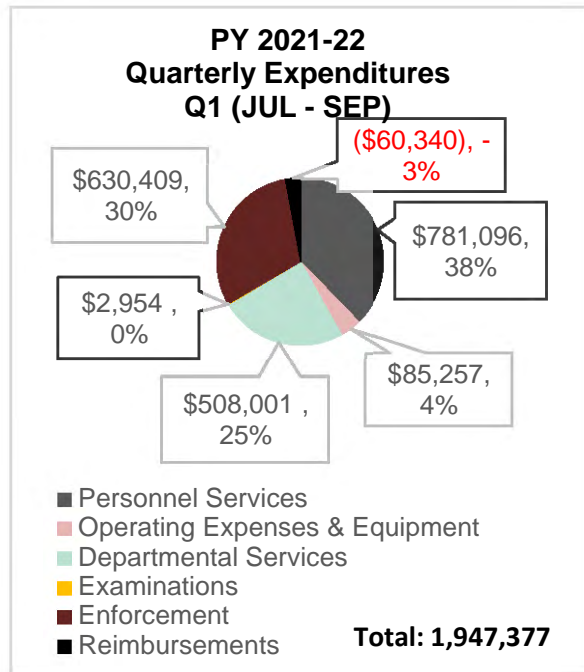


Chart reveals a \$166,993 or 8.58% increase in this year expenses over previous year.

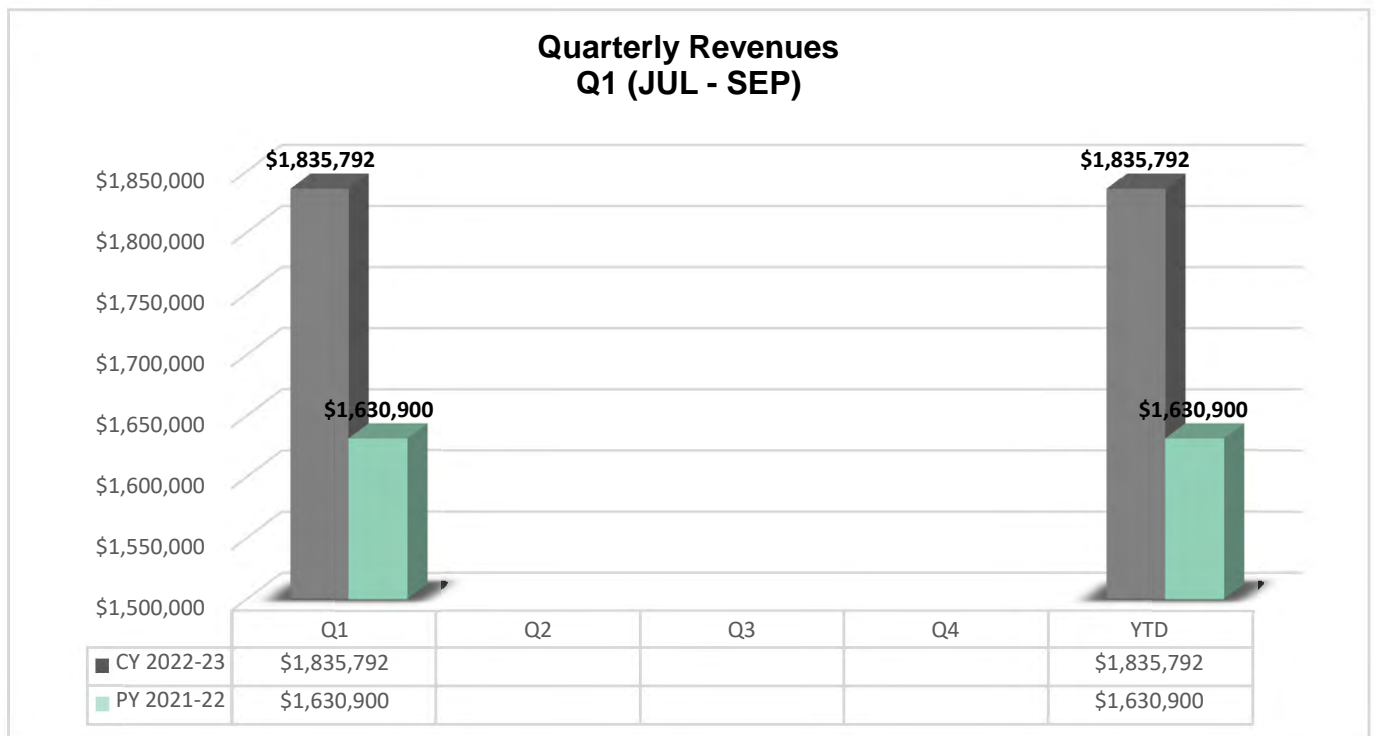


Chart reveals a \$204,892 or 12.56% increase this year over previous year.



## **Briefing Paper**

## **Agenda Item 19(B)**

**Date:** 10/28/2022  
**Prepared for:** PTBC Members  
**Prepared by:** April Beauchamps, Outreach Liaison  
**Subject:** Outreach Report

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**Purpose:** To provide PTBC's Outreach activities and statistics for FY 2022-23 (Q1).

**Attachments:** [1. Website Statistics](#)  
[2. Social Media Statistics](#)

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### **Background:**

The PTBC Outreach Report is a quarterly review of the Website and Social Media 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 Social Media statistics are collected directly from the "insight reports" from Facebook reporting system; and, generated by PTBC staff on a quarterly basis: Jul-Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr- Jun (Q4).

During Quarter (Q1) PTBC did have eleven outreach events virtually and in-person. PTBC provided Outreach school presentations to the University of San Francisco on 7/6/22, Samuel Merritt on 7/28/22, West Coast University on 8/3/22, Mount St. Mary's on 8/24/22, Mendocino College on 8/31/22, Western University on 9/8/22, Gurnick Academy on 9/12/22, Pima College on 9/15/22, Azusa Pacific on 9/19/22, and Sacramento State University on 9/30/22. The PTBC also attended the CPTA Annual Conference on 9/24/22-9/25/22.

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### **Analysis:**

**Website** - PTBC had 41,581 web-hits through its home page tabs, resulting in an 6% decrease over last fiscal year (Q1). The "Publications" section had the most significant decrease of 42% compared to prior fiscal year (Q1).

#### **Social Media<sup>1</sup>:**

**Facebook** - PTBC received 83 "likes" resulting in an increase of 93% for page "likes" compared to last fiscal year (Q1). In comparison to last fiscal year (Q1), there was also a decrease of 1% in page visits and a decrease of 113% of page reach which is the number of people who saw any content from the PTBC Facebook page.

**Instagram** – This fiscal year (Q1) PTBC had a 7% increase in page reach for Instagram and a 41% decrease in profile visits in comparison to last fiscal year (Q1).

**Tik Tok** – When looking at Tik Tok stats for FY 2022-23 (Q1), PTBC had 1,143 new video views/impressions and 19 new followers. All year-to-year comparison stats for Tik Tok will show zero because we did not have a Tik Tok account last FY 2021-22 to compare.

**Twitter** – When looking at Twitter stats for FY 2022-23, the PTBC had a decrease of people reached by 311% and a 55% decrease of page engagements compared to last fiscal year (Q1).

**LinkedIn** – When looking at LinkedIn stats for FY 2022-23 (Q1) the PTBC had 999 impressions. All year-to-year comparison stats for LinkedIn for this year would show a zero until we are able to compare data to a previous fiscal year. We will be able to show these stats starting next fiscal year.

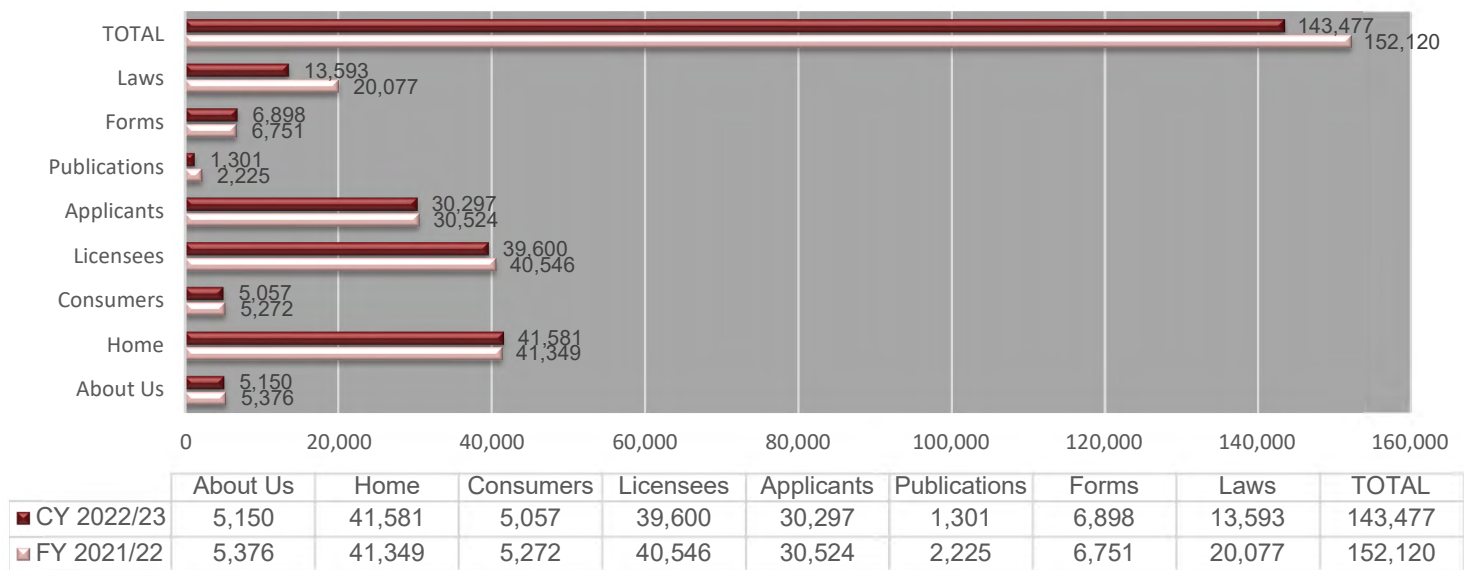
**Action:** No action is requested on presentation of the outreach report.

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<sup>1</sup> **Insights Definitions:** **Likes**-Number of people who have liked the page. **Reach/Impressions**-The number of people who have had any content from your page enter their screen. **Engagements**-Number of people who interacted with your page.



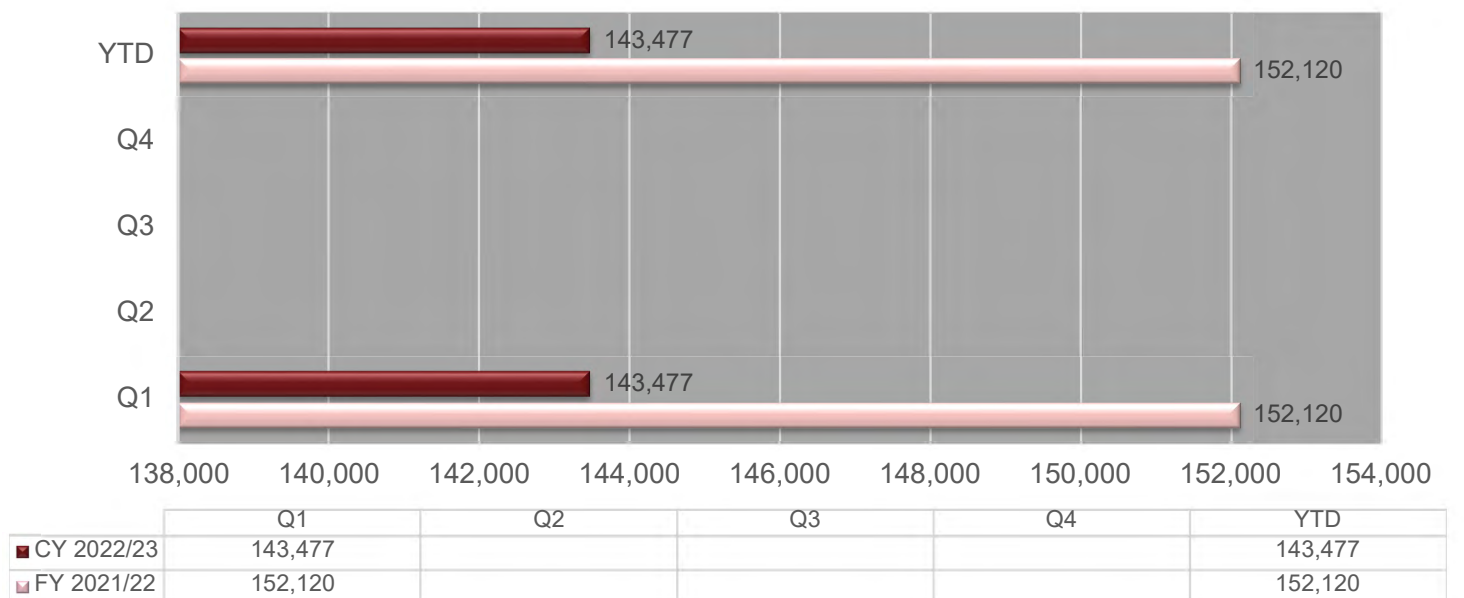
**Website Activity**  
**Q1 (Jul - Sept)**



This chart reflects an 6% decrease in traffic over last Q1 (FY 2021/22).

This chart also shows the Home tab was accessed the most and the publications tab had the least amount of access this Q1.

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



This chart reflects an 6% decrease over last Q1, year-to-date.

Social Media Statistical Reports							
Facebook							
	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	Q1	Q1	Q2	Q3	Q4	YTD	
Page Reach/Impressions	4,142	1,912				1,943	↓ -113%
Page Visits	703	697				697	↓ -1%
New Followers	43	83				83	↑ 93%
Instagram							
	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	Q1	Q1	Q2	Q3	Q4	YTD	
Page Reach/Impressions	384	409				409	↑ 7%
Profile Visits	312	185				185	↓ -41%
Tik Tok							
	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	Q1	Q1	Q2	Q3	Q4	YTD	
New Video Views (Impressions)		1,143				1,143	⇒ 0%
New Likes		50				50	⇒ 0%
New Followers		19				19	⇒ 0%
Twitter							
	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	Q1	Q1	Q2	Q3	Q4	YTD	
Page Reach/Impressions	7,183	1,746				1,746	↓ -311%
Page Engagements	117	53				53	↓ -55%
New Followers	8	8				8	⇒ 0%
LinkedIn							
	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	Q1	Q1	Q2	Q3	Q4	YTD	
Page Reach/Impressions		999				999	⇒ 0%
Page Visits		16				16	⇒ 0%
Reactions to Content (Engagements)		15				15	⇒ 0%

Page Reach/Impressions is the number of people who saw any content from the PTBC's social media pages.

Engagements is the number of interactions (likes, comments, and/or any action done) on your page.



## **Briefing Paper**

## **Agenda Item 20**

**Date:** 11/14/2022

**Prepared for:** PTBC Members

**Prepared by:** Valerie Kearney

**Subject:** Application Services Report

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### **Purpose:**

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

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

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### **Data Format:**

The report format has been updated to display year-to-date comparisons of the current fiscal year and the previous fiscal year as well as data for each quarter of the current fiscal year.

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### **Update:**

Overall, initial license applications received increased 7% from FY 2021/22 Quarter 1 to FY 2022/23 Quarter 1. Total year-to-date for FY 2022/23, 99% of initial license applications were received online and the composition of initial license applications is as follows:

Endorsement	30%
Exam	70%
U.S. Education	93%
Foreign Educated	7%
Military	3%

---

### **Action Requested:**

None.

## Application Services Statistics Report

### Total Applications Received

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	534	580				580	↑ 8%
Physical Therapist Assistant (PTA)	213	223				223	↑ 5%
Total	747	803				803	↑ 7%

### Endorsement

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	187	198				198	↑ 6%
Physical Therapist Assistant (PTA)	34	44				44	↑ 29%
Total	221	242				242	↑ 10%

### U.S. Educated

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	487	534				534	↑ 10%
Physical Therapist Assistant (PTA)	204	211				211	↑ 3%
Total	691	745				745	↑ 8%

### Foreign Educated

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	47	46				46	↓ -2%
Physical Therapist Assistant (PTA)	9	12				12	↑ 33%
Total	56	58				58	↑ 4%

### Military

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	17	16				16	↓ -6%
Physical Therapist Assistant (PTA)	16	10				10	↓ -38%
Total	33	26				26	↓ -21%

### Online

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	521	571				571	↑ 10%
Physical Therapist Assistant (PTA)	210	222				222	↑ 6%
Total	731	793				793	↑ 8%

Licenses Issued							
	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	696	681					↓
Physical Therapist Assistant (PTA)	217	179					↓
Total	913	860					↓



## Application Services Report Examination Statistics

### National PT and PTA Examination - California Statistics

#### Accredited PT Program

	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD	
Pass	476				476	482				482	↑ 1%
Fail	77				77	76				76	↓ -1%
<b>Total</b>	<b>553</b>				<b>553</b>	<b>558</b>				<b>558</b>	↑ 1%
Pass Rate	86%				86%	86%				86%	⇒ 0%

#### Non Accredited PT Program

	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD	
Pass	10				10	10				10	⇒ 0%
Fail	20				20	14				14	↓ -30%
<b>Total</b>	<b>30</b>				<b>30</b>	<b>24</b>				<b>24</b>	↓ -20%
Pass Rate	33%				33%	42%				42%	↑ 9%

#### Accredited PTA Program

	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD	
Pass	191				191	134				134	↓ -30%
Fail	42				42	66				66	↑ 57%
<b>Total</b>	<b>233</b>				<b>233</b>	<b>200</b>				<b>200</b>	↓ -14%
Pass Rate	82%				82%	67%				67%	↓ -15%

#### Non Accredited PTA Program

	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD	
Pass	6				6	6				6	⇒ 0%
Fail	12				12	4				4	↓ -67%
<b>Total</b>	<b>18</b>				<b>18</b>	<b>10</b>				<b>10</b>	↓ -44%
Pass Rate	33%				33%	60%				60%	↑ 27%

### California Law Examination (CLE)

#### Accredited Program

	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD	
Pass	756				756	741				741	↓ -2%
Fail	217				217	173				173	↓ -20%
<b>Total</b>	<b>973</b>				<b>973</b>	<b>914</b>				<b>914</b>	↓ -6%
Pass Rate	78%				78%	81%				81%	↑ 3%

Non Accredited Program												
	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change	
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD		
Pass	46				46	40				40	↓	-13%
Fail	23				23	21				21	↓	-9%
<b>Total</b>	<b>69</b>				<b>69</b>	<b>61</b>				<b>61</b>	↓	-12%
Pass Rate	67%				67%	66%				66%	↓	-1%

National PT and PTA Examination - National Statistics												
Accredited PT Program												
	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change	
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD		
Pass	5,055				5,055	4,966				4,966	↓	-2%
Fail	805				805	983				983	↑	22%
<b>Total</b>	<b>5,860</b>				<b>5,860</b>	<b>5,949</b>				<b>5,949</b>	↑	2%
Pass Rate	86%				86%	83%				83%	↓	-3%

Non Accredited PT Program												
	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change	
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD		
Pass	171				171	233				233	↑	36%
Fail	300				300	334				334	↑	11%
<b>Total</b>	<b>471</b>				<b>471</b>	<b>567</b>				<b>567</b>	↑	20%
Pass Rate	36%				36%	41%				41%	↑	5%

Accredited PTA Program												
	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change	
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD		
Pass	2,719				2,719	2,391				2,391	↓	-12%
Fail	846				846	809				809	↓	-4%
<b>Total</b>	<b>3,565</b>				<b>3,565</b>	<b>3,200</b>				<b>3,200</b>	↓	-10%
Pass Rate	76%				76%	75%				75%	↓	-1%

Non Accredited PTA Program												
	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change	
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD		
Pass	37				37	51				51	↑	38%
Fail	48				48	34				34	↓	-29%
<b>Total</b>	<b>85</b>				<b>85</b>	<b>85</b>				<b>85</b>	⇒	0%
Pass Rate	44%				44%	60%				60%	↑	16%

Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD	
Pass	1,938				1,938	1,831				1,831	↓ -6%
Fail	512				512	432				432	↓ -16%
<b>Total</b>	<b>2,450</b>				<b>2,450</b>	<b>2,263</b>				<b>2,263</b>	↓ -8%
Pass Rate	79%				79%	81%				81%	↑ 3%

Non Accredited Program											
	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD	
Pass	90				90	85				85	↓ -6%
Fail	41				41	38				38	↓ -7%
<b>Total</b>	<b>131</b>				<b>131</b>	<b>123</b>				<b>123</b>	↓ -6%
Pass Rate	69%				69%	69%				69%	⇒ 0%





## **Briefing Paper**

## **Agenda Item 21**

**Date:** 11/14/2022

**Prepared for:** PTBC Members

**Prepared by:** Valerie Kearney

**Subject:** License Maintenance Services Report

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### **Purpose:**

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

**Attachments:** [License Maintenance Statistics](#)

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### **Data Format:**

The report format has been updated to display year-to-date comparisons of the current fiscal year and the previous fiscal year as well as data for each quarter of the current fiscal year.

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### **Update:**

License maintenance workload and resources remain consistent. Staff is preparing to implement the Retired License Status regulation should it be approved by the Office of Administrative Law with the PTBC requested effective date of 1/1/2023.

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### **Action Requested:**

None.

## License Maintenance Statistics Report

### License Status Count

	CURRENT	Fiscal Year 2022/23					Year → Year Change
		INACTIVE	DELINQUENT	RETIRED	CANCELLED	YTD	
Physical Therapist (PT)	29,032	1,265	4,825	393	14,708	N/A	N/A
Physical Therapist Assistant (PTA)	8,241	334	1,460	116	3,812	N/A	N/A
Total	37,273	1,599	6,285	509	18,520	N/A	N/A

\*As of 10/1/2022

### Renewals

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	3,554	3,536				3,536	↓ -1%
Physical Therapist Assistant (PTA)	1,011	1,080				1,080	↑ 7%
Total	4,565	4,616				4,616	↑ 1%

### Address Changes

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	975	859				859	↓ -12%
Physical Therapist Assistant (PTA)	225	227				227	↑ 1%
Total	1,200	1,086				1,086	↓ -10%

### Name Changes

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	93	101				101	↑ 9%
Physical Therapist Assistant (PTA)	27	26				26	↓ -4%
Total	120	127				127	↑ 6%

### Duplicate Requests

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Physical Therapist (PT)	67	77				77	↑ 15%
Physical Therapist Assistant (PTA)	N/A	N/A				N/A	N/A
Total	67	77				77	↑ 15%



## Briefing Paper

## **Agenda Item 22**

**Date:** 11/14/2022

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** Continuing Competency Services Report

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### **Purpose:**

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

**Attachments:** [Continuing Competency Audit Statistics](#)

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### **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.

---

### **Program Update:**

July 1, 2022, the Continuing Competency program resumed auditing licensees to verify compliance with the continuing competency license renewal requirement. This is the first continuing competency licensee audit conducted since staff returned from being redirected to assist with initial license applications due to operational need prompted by COVID-19 and the Department of Consumer Affairs continuing competency waiver in effect through March 2022. Consistent with audit samples selected prior to COVID-19, four percent of licensees that renewed in FY 2021-22 Q4 (April-June) were selected. Most audits have been completed with a pass rate for physical therapists of 86% and physical therapist assistants of 83%.

---

**Action Requested:**

None.

### Continuing Competency Audit Statistics

#### Physical Therapist

	Fiscal Year 2021/22					Fiscal Year 2022/23					Year → Year Change
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD	
Pass						112				112	
Fail						11				11	
Pending						7				7	
Total						130				130	
Pass Rate						86%*				86%*	

\*Does not include pending.

#### Physical Therapist Assistant

	Fiscal Year 2020/22					Fiscal Year 2022/23					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q3	
Pass						29				29	
Fail						1				1	
Pending						4				4	
Total						35				35	
Pass Rate						83%*				83%*	

\*Does not include pending.

**Number of Approval Agencies** 127



## **Briefing Paper**

## **Agenda Item 23**

**Date:** November 10, 2022

**Prepared for:** PTBC Members

**Prepared by:** Carole Phelps, Enforcement Program Lead

**Subject:** Consumer Protection Services Program (CPS)

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**Purpose:** Update on Consumer Protection Services Program – Q1, FY 2022/23

**Attachments:** [A. CPS Q1 FY2022/2023 Statistics Report](#)  
[B. Disciplinary Summary List](#)

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### **Update:**

For the Consumer Protection Services Unit, 2022 continues to be a year of adjustments and challenges. We recently said goodbye to the PTBC's Assistant Executive Officer (AEO), Elsa Ybarra, who served for many years as CPS Manager before becoming AEO. We also said goodbye to our CPS Manager, Erika Calderon as of November 1, 2022.

We are very lucky to have our in-house expert consultant, Dr. Alexandra Jones, D.P.T., who is available to assist staff with cursory review of patient care cases. Dr. Jones is also assisting with drafting an Inspection Checklist that PTBC will provide to investigators and expert consultants during site visits to aide them in conducting a thorough investigation. In addition, 14 new expert consultants have been onboarded and are ready to assist CPS staff with case review. These experts have certain areas of expertise that are needed and/or live in certain regions of California where we previously had a limited number of available experts.

We're also still working on getting CPS staff access to LexisNexis which is a public records database that will allow CPS staff to look up information such as addresses and phone numbers.

The new consumer complaint form that was discussed in the Briefing Paper for the September 2022 Board Meeting is now available on the PTBC website. The new form was implemented to make it easier for the consumer to read and fill out and includes the Authorization for Release of Patient Health Information forms. CPS staff hopes the new format will save time with the complaint intake process, allow the consumer to provide more information upfront, and avoid additional back-and-forth communication with the complainant to obtain missing information.

On September 27-29, 2022, CPS staff attended the NCIT Basic Training which is an in-person training that covered the following topics: Principles of Administrative Law and the

Regulatory Process, the Investigative Process, Investigator Safety, Principles of Evidence, Evidence Collection, Tagging and Storage, Interviewing Techniques, Overview of Inspections and Inspection Procedures, Report Writing, and Testifying in Administrative and Criminal Proceedings. On November 7-9, 2022, CPS staff also attended the NCIT Specialized Training program, where they learned Advanced Interviewing Techniques, Advanced Investigative Analysis, and Investigative Report Development. The last time CPS staff attended this training was in 2011, so staff appreciated being able to refresh their skills in these areas.

In closing CPS has been extremely busy this year and has implemented many changes and improvements. Staff continues to meet each challenge each step of the way, they continue to be very flexible when needed, have been extremely supportive to PTBC management and to each other, and continue to efficiently investigate PTBC's consumer complaints, while looking for ways to continue to improve.

#### **Attachment A: CPS Statistics Report**

The number of consumer complaints and arrest/conviction reports received are reported in Performance Measure 1 (Complaint Intake) and have increased 26% compared to Q1 of FY 2021/22. These numbers fluctuate regularly, and the increase is expected as the nation is heading towards normalcy after a national pandemic.

The target for Performance Measure 2 (Complaint Initiation) is 9 days. This is the average number of days it takes for PTBC to initiate the complaint and acknowledge receipt of the complaint. PTBC's average in Q1 2022/23 was 4 days, which means that we are meeting the mandate.

For Performance Measures 3 and (Investigation Cycle Time) and 4 (AG Case Cycle Time) case aging went down in comparison to the same quarter last year. These numbers are known to fluctuate greatly, as they reflect the entire investigative process that involves the timelines, workloads, and response time of not only CPS staff, but of all involved parties.

As previously reported in recent quarters, pandemic-related issues continue to cause delays in many investigations, however we are seeing things returning to normal.

#### **Attachment B: Disciplinary Summary List**

Disciplinary Summary of formal discipline and citations issued for Q1 of FY 2022-23. Disciplinary actions are public record and are available through the DCA License Search. <https://search.dca.ca.gov/>

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**Action Requested:** No Action Required



## Consumer Protection Services Statistics Report

### Complaint Intake

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM1: Complaints Received	66	83				83	↑ 26%
PM1: Convictions/Arrest Received	45	36				36	↓ -20%
PM1: Total Received	111	119				119	↑ 7%

### Intake

Target: 9 Days	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	3	4				4	↑ 33%

### Investigations

Target: 90 Days	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	215	167				167	↓ -22%
PM3a: Intake Only	3	4				4	↑ 33%
PM3b: Investigation Only	195	161				161	↓ -17%
PM3c: Post Investigation Only	5	2				2	↓ -60%

### Investigations Aging

	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	43%	64				54%	↑ 11%
91 - 180 Days	22%	19				16%	↓ -6%
181 Days - 1 Year (364)	12%	18				15%	↑ 3%
1 to 2 Years (365-730)	15%	11				9%	↓ -6%
2 to 3 Years (731- 1092)	9%	3				3%	↓ -6%
Over 3 Years (1093 +)	0%	3				3%	↑ 3%




Citations						
	FY 2021/22	Fiscal Year 2022/23				
	YTD	Q1	Q2	Q3	Q4	YTD
Final Citations	17	11				11
Average Days to Close	457	437				437.0
						Year → Year Change
						↓ -35%
						↓ -4%

Transmittals to Attorney General (AG)						
Target: 540 Days	FY 2021/22	Fiscal Year 2022/23				
	YTD	Q1	Q2	Q3	Q4	YTD
PM4: AG Cases	995	837				837
PM4a: Intake Only	2	3				3
PM4b: Investigation Only	491	455				455
PM4c: Pre-AG Transmittal	1	2				2
PM4d: Post-AG Transmittal	501	378				378
	FY 2021/22	Fiscal Year 2022/23				
	YTD	Q1	Q2	Q3	Q4	YTD
AG Cases Initiated	12	13				13
AG Cases Pending	61	39				39
SOIs Filed	1	0				0
Accusations Filed	8	5				5
						Year → Year Change
						↑ 8%
						↓ -36%
						↓ -100%
						↓ -38%

AG Transmittals						
	FY 2021/22	Fiscal Year 2022/23				
	YTD	Q1	Q2	Q3	Q4	YTD
Total Closed After Transmission	8	14				14
Total Average Days to Complete	1081	841				841.0
						Year → Year Change
						↑ 75%
						↓ -22%

Total Orders Aging/Final Decision						
	FY 2021/22	Fiscal Year 2022/23				
	YTD	Q1	Q2	Q3	Q4	YTD
Up to 90 Days	0%	0				0%
91 - 180 Days	0%	0				0%
181 Days - 1 Year (364)	0%	1				7%
1 to 2 Years (365-730)	25%	7				50%
2 to 3 Years (731- 1092)	38%	3				21%
Over 3 Years (1093 +)	38%	3				21%
						Year → Year Change
						→ 0%
						→ 0%
						↑ 7%
						↑ 25%
						↓ -17%
						↓ -17%

Other Legal Actions							
	FY 2021/22	Fiscal Year 2022/23					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension or PC 23 Order	2	1				1	 -1

\*\*\*1 Interim Suspension order and 4 PC 23 orders\*\*\*\*

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

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

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

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

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

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

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

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

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

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

**Disciplinary Summary  
Fiscal Year 2022-23 / Quarter 1**

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of July 2022 through September 2022. 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](http://www.ptbc.ca.gov). In addition to obtaining this information from our website, you may also request by telephone, fax, or mail. Please address written request to:

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

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**July 2022**

**HOPSON, KYLE WESLEY PT 296177**

Violations: Gross negligence or repeated negligent acts; unprofessional conduct; Violating the code and/or Medical Practice Act; Practicing beyond the scope of practice; Fraudulent, dishonest, or corrupt act; and Commission of verbal abuse or sexual harassment. Order Effective 07/06/2022, License Surrendered.

**MORADI, LIBIA JULIETA PT 21938**

Violations: Commission of a fraudulent, dishonest, or corrupt act; Inaccurate billing; Failure to maintain adequate and accurate records and misrepresentation documentation; Gross negligence; Repeated negligent acts; and Unprofessional conduct. Order Effective 07/21/2022, License Surrendered.

**CROFT, MICHAEL WILLIAM PT 26260**

Violations: Unprofessional conduct: sexual misconduct and/or gross negligence and/or repeated negligent acts and/or dishonesty; and Unprofessional conduct: failure to cooperate in any board investigation. Order Effective 07/25/2022, License Revoked.

**August 2022**

**YOSUICO, THOMAS L. PT 16161**

Violations: Acts of sexual abuse and/or misconduct with patient; Verbal abuse and/or sexual harassment; Gross and/or repeated acts of negligence; Failure to maintain accurate records; and Unprofessional conduct. Order Effective 08/04/2022, License Revoked.

**September 2022**

**CURRAN, MAEVE M. PT 20369**

Violations: Conviction of a crime [DUI]; Dangerous use of alcohol-habitual intemperance; Failure to report arrest or conviction; Unprofessional conduct; and Violation of provision(s) of the Physical Therapy Practice Act. Order Effective 09/06/2022, License Surrendered.

**GHALA, MOHAMED M. PTA 8274**

Violations: Conviction of a crime [DUI]; Dishonest, fraudulent or corrupt acts; Failure to maintain adequate and accurate records; Gross negligence; Unprofessional conduct; Failure to cooperate and participate in the Board's investigation; Charging a fee for services not performed; Misrepresenting documentation of patient care or deliberate falsifying patient records; and General unprofessional conduct. Order Effective 09/22/2022, 3 years' Probation.

**DE LEON, JOSE ROY CENTENO PT 32482**

Violations: Conviction of a crime [DUI]; Commission of a corrupt act substantially related to the qualifications, functions, or duties of a physical therapist; and Violation of a provision or provisions of the Physical Therapy Practice Act. Order Effective 09/26/2022, 5 years' Probation.

**HILL, SHANNON E. PT 23491**

Violations: Conviction of a crime [DUI]; Use of alcoholic beverages – Dangerous to self, others, or the public; and Habitual intemperance. Order Effective 09/26/2022, 5 years' Probation.

**CHO, JAMES KYONG PT 26577**

Violations: Excessive treatment; Failure to reevaluate patients; Failure to adequately follow patients' progress; Failure to supervise student; Aiding and abetting the unlicensed practice of physical therapy; and Failure to maintain adequate and accurate records. Order Effective 09/26/2022, 5 years' Probation.

Glossary of Terms

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

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

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

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

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

**Public Letter of Reprimand:** In lieu of filing a formal accusation, the Board may, pursuant to B & P Code section 2660.3, upon stipulation or agreement by the licensee, issue a public letter of reprimand. If the licensee does not agree to the issuance of the letter, the Board shall not issue the letter and may proceed to file a formal accusation. A public letter of reprimand is considered disciplinary action.

**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:** The licensee surrenders their license to the Board, subject to acceptance of the surrendered license by the Board, and the licensee is prohibited from engaging in the practice, or assisting in the provision, of physical therapy.

**Stipulated Decision:** Negotiated settlements waiving court appeals.



## **Briefing Paper**

## **Agenda Item 24**

**Date:** November 16, 2022  
**Prepared for:** PTBC Members  
**Prepared by:** Monny Martin, PTBC Probation Monitor  
**Subject:** Probation Monitoring Program

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**Purpose:** Update on Probation Monitoring Program for - FY 2022-2023 Q1

**Attachments:** [1. Statistical Report](#)

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### **Background:**

This is a report on the Board's Probation Monitoring Program for FY 2022-2023. Please refer to attachment (1) which contains the probation statistics for FY 2022-2023.

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### **Analysis:**

There was a high of 75 licensees on probation at one time or another for various causes. Besides the 65 licensees on probation and in the state of California, there were an additional 10 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were four (4) licensees placed on probation in the quarter, and 1 licensee completed probation in the quarter.

Of the 65 licensees that were not tolling, 8 were enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program at the end of the quarter, equaling about 12% of all licensees on probation that weren't tolling. One (1) licensee enrolled in the Alcohol Recovery Monitoring Program in the quarter and zero (0) licensees completed the program. The one licensee that entered into the Board's Alcohol Recovery Monitoring Program was removed from the program a month later with the designation "Terminated – Public Risk" and the Board is in the process of revoking that licensee's probation.

The probation monitoring unit continues to stay busy. Along with monitoring the 75 licensees on probation, the probation monitor has also been working on several petitions for early termination of probation and or reinstatement of license. Besides that, the unit is carrying on as usual.

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**Action Requested:** No Action Required.

## Probation Statistics Report

Probation							
	FY 2021/22	Fiscal Year 2022/2023				YTD	Year → Year Change
	YTD	Q1	Q2	Q3	Q4		
Entered Probationer	23	4				4	↓ -83%
Completed Probation	9	1				1	↓ -89%
Probation Terminated (Revocation/Stip Su	1	0				0	↓ -100%
Non-Compliant w/Probation	2	1				1	↓ -50%
Tolling (Out of State)	11	10				11	→ 0%
Surrenders (Voluntary)	3	0				0	↓ -100%
Total Probationers	72	75				72	→ 0%

Maximus							
	FY 2021/22	Fiscal Year 2022/2023				YTD	Year → Year Change
	YTD	Q1	Q2	Q3	Q4		
Entered Maximus	6	1				1	↓ -83%
Completed Maximus	0	0				0	→ 0%
Total Maximus Participants	9	9				9	→ 0%
Determined To Be Clinically Inappropriate	0	0				0	→ 0%
Terminated - Public Risk	1	1				1	→ 0%
Terminated - Failure to Receive Benefit	1	0				0	↑ 100%
Withdrawn (Expense) - Post-Dec	0	0				0	→ 0%
Withdrawn (Left State) - Post-Dec	0	0				0	→ 0%
Withdrawn - Pre-Dec	0	0				0	→ 0%
Withdrawn - Voluntary	0	0				0	→ 0%