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Board Members

President

Tonia McMillian

Vice-President

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

Members

Karen Brandon, P.T., DSc P.T.

Katarina Eleby, M.A

Samuel Qiu

Alicia Rabena-Amen, PT, DPT

Vacant, PT, DPT

**Physical Therapy Board of California
Meeting Minutes**

December 6-8, 2023 9:00 a.m.

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

Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Assistant Executive

Officer

Brooke Arneson, Specialist

Liz Constancio, Manager

Valerie Kearney, Manager

Carole Phelps, Manager

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.

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Wednesday, December 6, 2023

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1. Call to Order

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The Physical Therapy Board of California (Board) meeting was called to order
by President Ms. McMillian at 9:00 a.m. and recessed at 3:32 p.m. on December
6, 2023.

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2. Roll Call and Establishment of Quorum

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McMillian - Present

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Armstrong- Absent

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Brandon - Present

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Eleby – Present

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Qiu- Present

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Rabena-Amen - Present

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All Members were present except for Dr. Armstrong, and a quorum was
established. Also present at the meeting were: Michael Kanotz, PTBC Legal
Counsel; Jason Kaiser, Executive Officer; Sarah Conley, Assistant Executive
Officer; Brooke Arneson, Legislation and Regulation Manager; Carole Phelps,
Enforcement Manager; Valerie Kearney, Licensing Manager; and Board staff:
Kim Rozakis, April Beauchamps and Alicia Hernandez.

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3. Reading of the Board’s Mission Statement

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

4. Strategic Planning Session

The Board engaged in strategic planning to set goals in the areas of for Professional Qualifications, Regulation and Enforcement, Communication, and Organizational Relationships and Effectiveness. The finalized strategic plan will be presented in March 2024 Board Meeting for consideration of Board adoption.

5. 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.

6. Recess

The meeting recessed at 3:32 p.m. on December 6, 2023.

Thursday, December 7, 2023

7. Call to Order

The Physical Therapy Board of California (Board) meeting was called to order by President Ms. McMillian at 9:00 a.m. into closed session at 1:36 p.m. and recessed at 2:04 p.m. on December 7, 2023.

8. Roll Call and Establishment of Quorum

McMillian - Present
Armstrong- Absent
Brandon - Present

66 Eleby – Present
67 Qiu- Present
68 Rabena-Amen - Present

69
70 All Members were present except for Dr. Armstrong, and a quorum was
71 established. Also present at the meeting were: Michael Kanotz, PTBC Legal
72 Counsel; Jason Kaiser, Executive Officer; Sarah Conley, Assistant Executive
73 Officer; Brooke Arneson, Legislation and Regulation Manager; Carole Phelps,
74 Enforcement Manager; Valerie Kearney, Licensing Manager; and Board staff:
75 Kim Rozakis, April Beauchamps and Alicia Hernandez.

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77 **9. Reading of the Board’s Mission Statement**

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79 Dr. Brandon read the Board’s mission statement: To advance and protect the
80 interests of the people of California by the effective administration of the
81 Physical Therapy Practice Act.

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83 **10. (A) Petition of Early Termination – Jordan Istrin, P.T.**

84 *After submission of the matters, the Board will convene in CLOSED SESSION*
85 *to deliberate on the petitions pursuant to Government Code section 11126(c)(3)*
86

87 **11. Closed Session**

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

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

93
94 The Board entered closed session at 10:00 a.m. and reconvened into open
95 session to break for lunch at 12:36 p.m. on December 7, 2023.

96
97 **12. Student Q&A – Unitek College Sacramento**

98 Students from Unitek College went before the Board and introduced
99 themselves. Students from Unitek College asked questions, which ranged from
100 why the Members decided to be a Board Member and how long they have
101 served to, what are the most common types of violations the Board sees?

102 Mr. Kaiser thanked the students for attending the Board meeting.

103 **13. Review and Approval of September 13-14, 2023, Meeting Minutes – Kim**
104 **Rozakis**

105
106 Ms. Rozakis presented the draft September 13-14, 2023, meeting minutes. The
107 Board reviewed the minutes and made grammatical and editorial changes.
108

109 **MOTION:** Adopt the proposed September 13-14, 2023, Meeting
110 Minutes as amended.

111
112 **M/S:** Brandon/Rabena-Amen
113

114 **VOTE:** McMillian - Aye
115 Armstrong- Absent
116 Brandon - Aye
117 Eleby – Aye
118 Qiu - Aye
119 Rabena-Amen - Aye
120 5-0 Ayes, Motion Carried

121
122 **14. President’s Report – Tonia McMillian**

123
124 (A) 2024 Adopted Meeting Calendar

125 Mr. Kaiser stated Mr. Kanotz has been assigned as the new Legal
126 Counsel for Board of Accountancy. As a result, the Board’s March and
127 September 2024 dates are in conflict with the Board of Accountancy.

128 Mr. Kanotz added there are a few conflicts with the dates, one being on
129 March 21-22, 2024, in Southern California and in September 19-20 with
130 Board of Accountancy.

131 Mr. Kaiser proposed for March Board meeting to be held on March 19-20,
132 2024, instead of March 20-21, 2024, in Loma Linda. Additionally, for the
133 September Board meeting Mr. Kaiser suggested to have the Board
134 Meeting at Sacramento State University and the date be a week after
135 California Physical Therapy Association Annual Conference, but staff will
136 contact Sacramento State University on what dates work for them.

137 Ms. McMillian stated she will not be available for the June 20-21, 2024,
138 Board meeting. Mr. Kaiser asked if it is possible to move the June 2024
139 Board to June 13-14, 2024, in Sacramento.
140
141

142 **MOTION:** March 19-20, 2024, Board Meeting at Loma Linda
143 University, June 13-14, 2024, at Sacramento,
144 September date TBD at Sacramento State University
145

146 **M/S:** Eleby/McMillian
147

148 **VOTE:** McMillian - Aye
149 Armstrong- Absent
150 Brandon - Aye
151 Eleby – Aye
152 Qiu - Aye
153 Rabena-Amen - Aye
154 5-0 Ayes, Motion Carried
155

156 (B) 2025 Proposed Meeting Calendar

157 Mr. Kaiser shared staff does not have any recommendations for 2025
158 calendar at this time.

159
160 **15. Executive Officer’s Report- Jason Kaiser**

161 (A) **Administrative Services**
162

163 Mr. Kaiser reported to the Board there is one Board member vacancy
164 that needs to be filled, which is a professional position previously held
165 by Dr. Daniel Drummer. Mr. Kaiser also discussed current staffing with
166 the Physical Therapy Board. There is a vacancy in the Administrative
167 Services Unit, and the Consumer Protection Services Unit has filled their
168 vacancy. Mr. Kaiser stated with current staffing, workflow is still well
169 within acceptable limits, but is not sustainable.
170

171 (B) **Licensing Services**
172

173 Mr. Kaiser previously reported on an increase on the number of
174 programs in the physical therapy education system, and that the Board
175 should expect to receive an influx of applications next year.
176

177 (C) **Consumer Protection Services**

178 Mr. Kaiser has nothing to report for Consumer Protection Services.

179 Mr. Kaiser thanked CPTA for allowing the Board to attend the CPTA
180 conference in October in Long Beach. The booth gave the Board a chance
181 to do some outreach to licensees, students, and future applicants. Mr.
182 Kaiser thanked staff who attended CPTA conference and Members who
183 attended FSBPT in Florida.

184 Mr. Kaiser shared he is looking forward to CPTA's annual conference and
185 webinars in 2024.

186 **16. Consumer and Professional Associations and Intergovernmental**
187 **Relations Reports**

188 (A) **Federation of State Boards of Physical Therapy (FSBPT)**
189

190 Mr. Kaiser described a legislative change that eliminated the travel ban
191 on States that had laws that were discriminatory in nature, which allowed
192 himself and Board Members to travel to Jacksonville, Florida to attend
193 FSBPT Annual Education Meeting. Mr. Kaiser also thanked the
194 Department of Consumer Affairs, Board and Bureau Relations, Directory
195 Kimberly Kirchmeyer, and the Business, Consumer Services and
196 Housing Agency for their quick review and approval of the travel request.
197 Additionally, Mr. Kaiser thanks Mr. Qiu and Ms. Eleby for attending the
198 conference with him and representing the State of California.
199

200 Mr. Kaiser added he and Mr. Qiu were able to attend multiple
201 educational sessions when it came to pressing issues like artificial
202 intelligence and sexual misconduct violations. Mr. Kaiser shared that
203 nearly all states sent a representative to the meeting.
204

205 Mr. Qiu added that he was honored to have the opportunity to represent
206 the Board and the State of California. Mr. Qiu stated that being involved

207 gives him the opportunity to learn about the present issues that the
208 industry is attempting to address.

209
210 Ms. Eleby shared she always enjoys participating in FSBPT conferences
211 because the topics that are discussed don't always come up at Board
212 meetings.

213
214 Mr. Kaiser added FSBPT is always looking for new volunteers for task
215 forces. Mr. Kaiser may be reaching out to Board Members individually
216 to discuss these volunteer opportunities. Additionally, Mr. Kaiser shared
217 that he was reappointed to the FSBPT Sexual Misconduct Committee.

218

219 (B) **Department of Consumer Affairs (DCA Executive Office)**

220
221 Ms. Dorantes, Assistant Deputy Director of Board and Bureau Relations
222 updated the Board on November 28, 2023, Governor Newsom
223 appointed Tamika Moss as Secretary of the Business, Consumer
224 Services and Housing Agency.

225
226 Ms. Dorantes shared that on November 7, 2023, virtual training was
227 provided for DEI dialogue for leaders to 173 DCA managers, supervisors
228 and leaders, the training covered physiological safety and how it effects
229 conversations as well as interactive discussions about the challenges
230 leaders are facings.

231
232 Ms. Dorantes stated that on December 15th DEI Steering Committee will
233 holds its quarterly meeting. The Committee will review a draft DEI
234 internet webpage that is currently being developed.

235
236 Ms. Dorantes added that the latest issue of Consumer Connection
237 magazine includes articles with information important to consumers
238 including a feature cover story translated in four languages. The
239 magazine is accessible through the DCA Homepage or printed copies
240 are available.

241
242 Ms. Dorantes shared on November 29, 2023, the military portal
243 launched in support of servicemembers and their families relating to
244 license portability for servicemembers or their spouses. This new DCA

245 online portal will allow boards and bureaus to accept online requests
246 from military servicemembers and their spouses who currently hold a
247 valid license in good standing in another state, district, or territory, to
248 practice in California within the same profession or vocation if they
249 relocated to California for military service. Additionally, this online portal
250 will allow DCA to properly receive and track request to ensure
251 compliance with federal and state law. DCA's military resources page
252 and board and bureau web pages have also been updated with federal
253 professional license portability and state registration information.

254
255 Ms. Dorantes reminded the Board that it may conduct entirely remote
256 public meetings without noticed locations accessible to the public
257 through December 31, 2023, as long as the public is able to participate
258 in the meeting remotely.

259
260 Commencing on January 1, 2024, four meeting options will be available
261 pursuant the Bagley-Keene Open Meeting Act. Option 1 is the
262 traditional single location option, where a majority of Members are
263 gathered at a publicly noticed and accessible location, no Members are
264 participating remotely, and there is no requirement to permit remote
265 public participation. Option 2 is the traditional teleconference, where
266 Board Members are located at different publicly noticed and accessible
267 locations and are connected telephonically or otherwise. Option 3 is a
268 new hybrid meeting option where a majority of Board Members are
269 gathered at one publicly noticed accessible location and additional
270 Board Members above a majority may participate remotely from a
271 private, non-public location; and the meeting must allow for remote
272 public participation. Option 4 is the new advisory body teleconference
273 option, where all Members of the advisory body can participate remotely
274 from a private, non-public meeting site: the meeting must have at least
275 one publicly noticed and accessible location where at least one staff
276 member is present, and where the public can participate in the meeting;
277 and the meeting must allow for remote public access.

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279 Ms. Dorantes reminded Members that Supervisory Sexual Harassment
280 Prevention and Information Security Awareness Training are due
281 December 31, 2023. Both Trainings can be accessed on the DCA
282 Learning Management System.

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Ms. Dorantes shared the My Promise campaign is underway through December 31, 2023. DCA's co-chairs are Monica Vargas; Deputy Director of Communications and herself. Donations can be made one time starting as little as \$5 or continuous donations throughout the year to support non-profits of your choice. Additionally, the State Employee Food Drive is currently collecting any donations and runs through January 8, 2024. This drive helps families in need.

Ms. Dorantes thanked the Members for their year of service, and she is here as a resource for the Members.

Lastly, Ms. Dorantes shared they are working on tentative dates for Board Member orientation trainings for 2024. Mr. Kaiser asked if Ms. Dorantes knows when the Sacramento training will be held. Ms. Dorantes responded that it is most likely to occur in March and October and June will be in Los Angeles, but this is tentative.

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

Ms. Defoe updated the Members on the CPTA Annual Conference in Long Beach in October 2023. The conference had 440 attendees and she thanked the Board for being an exhibitor.

Ms. Defoe stated membership is going strong at 10,000 Members and growing. Ms. Defoe added CPTA has adopted a commitment to diversity equity and inclusion, which will go with their mission, vision, and goals.

Ms. Defoe added CPTA's Diversity Affairs Committee has created Challenge for Change, where it is ways for individuals, CPTA districts and Academic Institutions to look for ways to promote diversity or to gain knowledge or share knowledge to do various activities in efforts to promote diversity.

Ms. Defoe shared that CPTA hosts webinar Wednesdays, which has become very successful. As of November 2023, CPTA has hosted 30 webinar Wednesdays with an average of 51 attendees per course. CPTA has also tried in-person courses, but with lower registration.

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Ms. Defoe stated that the Modernization Task Force, which was created to look at the Physical Therapy Practice Act and ensure it allows physical therapists to practice at the level of the education currently taught at academic programs. Ms. Defoe added the task force has developed some draft language and spent the year sharing with internal stakeholders. Next year, CPTA will focus on external stakeholders.

Ms. Defoe shared there will be a town hall meeting on January 25, 2024. The focus of the meeting will be the modernization of the Physical Therapy Practice Act. Ms. Defoe added March 12th, 2024, is their annual CPTA Legislative Day.

Ms. Defoe added at the recent CPTA Board meeting, the board approved moving forward with legislation that would allow physical therapists to sign off on disability placards, which would amend the California Vehicle Code.

Ms. Defoe stated CPTA is in support of AB 814, which relates to animal rehabilitation, and supports the Animal Physical Coalition to allow Physical Therapists to register with the Veterinary Board as a physical therapist under certain conditions.

Ms. Rabena-Amen asked if there is an estimated timeline for the Modernization Task Force working on the Physical Therapy Practice Act. Ms. Defoe replied that for the upcoming year, the focus will be on external stakeholders and getting feedback. CPTA would like to move forward with the legislation in the following year, but nothing is set.

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

357 The meeting recessed for lunch at 12:36 p.m. on December 7, 2023, and went
358 into closed session.

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Thursday, December 8, 2023

362 **19. Call to Order**

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The Physical Therapy Board of California (Board) meeting was called to order by President Ms. McMillian at 9:00 a.m. and adjourned at 12:18 p.m. on December 8, 2023.

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20. Roll Call and Establishment of Quorum

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McMillian – Present
Armstrong- Absent
Brandon – Present
Eleby – Present
Qiu- Present
Rabena-Amen – Present

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All Members were present with the exception of Dr. Armstrong, and a quorum was established. Also present at the meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive Officer; Sarah Conley, Assistant Executive Officer; Brooke Arneson, Legislation and Regulation Manager; Carole Phelps, Enforcement Manager; Valerie Kearney, Licensing Manager; and Board staff: Kim Rozakis, April Beauchamps and Alicia Hernandez.

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21. Reading of the Board’s Mission Statement

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

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22. Legislation Report- Brooke Arneson

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(A) **2023/23 Legislative Session Summary**

Ms. Arneson gave a synopsis of her roles and responsibilities as the Legislation & Regulation Manager for the Executive Unit.

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Ms. Arneson presented to the Members that 2023 marked the first of a two-year legislative cycle which concluded on September 14th. Ms. Arneson added Governor Newsom had until October 14th to sign or veto bills. Additionally, there were 1,046 bills that reached the Governor's desk, and of those, the Governor signed 890 bills and vetoed 156 bills, which was a 14.9% veto rate. Ms. Arneson added that last year during the 2022 session, 1,166 bills reached the Governor's desk and he signed 997 and vetoed 169 for a 14.5% veto rate.

1) AB 931 (Irwin) Prior Authorization: Physical Therapy

Ms. Arneson AB 931, which the Board had a support position on, and a copy of that support letter is included in the legislative report on page 52. This bill would have prohibited a health plan or insurer from requiring prior authorization for the initial 12 physical therapy treatment visits for a new episode of care. The bill would have also required that, prior to treatment, the provider verify an enrollee's coverage and disclose the enrollee's cost sharing, maximum out-of-pocket expense per visit, and whether the provider is in-network for the enrollee. The bill was vetoed, and the Governor's veto message was the following:

"To the Members of the California State Assembly: I am returning Assembly Bill 931 without my signature. Beginning January 1, 2025, this bill would prohibit a health plan or insurer from requiring prior authorization for the initial 12 physical therapy treatment visits for a new episode of care. The bill would also require that, prior to treatment, the provider verify an enrollee's coverage and disclose the enrollee's cost sharing, maximum out-of-pocket expense per visit, and whether the provider is in-network for the enrollee. I appreciate the author's intent to increase access to physical therapy treatment. However, prior authorization, when applied appropriately, can be an important tool to contain health care costs, protect patients from unanticipated billing, and ensure medically necessary care. Further, existing law requires health plans to provide appointments within a timely access minimum standard, even when prior authorization is required. For these reasons, I cannot sign this bill."

437 2) AB 1163 (Luz Rivas) State Forms: Lesbian, Gay, Bisexual and
438 Transgender Disparities Reduction Act

439
440 This bill was chaptered on October 13, 2023, and will take effect on
441 January 1, 2024. This bill expands the data collection obligations
442 of the Lesbian, Gay, Bisexual, and Transgender Disparities
443 Reduction Act.

444
445 3) SB 14 (Grove, Caballero, and Rubio) Violent Felonies: Serious
446 Felonies: Human Trafficking

447
448 This bill was chaptered on September 25, 2023, and will take effect
449 on January 1, 2024. This bill designates human trafficking of a
450 minor for purposes of commercial sex act as a “serious felony”.

451
452 4) SB 143 (committee on Budget & Fiscal Review): State Government

453
454 This bill is a trailer bill and if chaptered will be immediately and
455 chaptered on September 13, 2023. The Bagley-Keene Open
456 Meeting Act requires, with specified expectations, that all meetings
457 of a state body be open and public, and all persons be permitted to
458 attend any meeting of a state body. The act authorizes meetings
459 through teleconference under specified conditions, including,
460 among others, that each teleconference location be accessible to
461 the public and that at least one member of the state body be
462 physically present at the location specified in the notice of the
463 meeting. Prior to July 1, 2023, current law authorized, subject to
464 specified notice and accessibility requirements, including the
465 requirements referenced above. This bill, until December 31, 2023,
466 would reinstate the above-described authorization for a state body
467 to hold public meetings through teleconferencing utilizing online
468 platforms such as Webex, etc.

469
470 5) SB 372 (Menjivar) DCA: Licensee and Registrant Records: Name
471 and Gender Changes

472

473 This bill was chaptered on September 23, 2023, and requires
474 licensing entities within DCA to update license records if that
475 licensing entity receives government-issued documentation
476 demonstrating a legal change of name or gender, as specified. This
477 bill also allows licensees to request for their prior name be removed
478 from online license verification systems operated by the licensing
479 entities and establishes a process for individuals to access a
480 licensee's enforcement records under the prior name.

481
482 Dr. Rabena-Amen asked how this bill might affect prior discipline.
483 Mr. Kaiser responded this bill would remove any dead naming
484 situation, where if there is a transition of some kind, there is still a
485 link that can be kept with history where we can go back into the
486 history.

487
488 Dr. Rabena-Amen asked what would occur following a name
489 change. Mr. Kaiser responded the name history will be trackable,
490 but only upon request and will not be part of Department of
491 Consumer Affairs search identity. Mr. Kaiser added the discipline
492 history would be part of the history, but the name change would not
493 be and only would be available upon request.

494
495 6) SB 525 (Durazo) Minimum Wage: Health Care Workers

496 This bill was chaptered on October 13, 2023, and will establish
497 separate minimum wage schedules for covered health care
498 employees depending on the nature of the employer.

499
500 7) SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing

501 This bill was chaptered on September 22, 2023. Specifically, this
502 bill preserves existing Bagley-Keene teleconference law as is with
503 no changes—Members can attend meetings from multiple
504 different teleconference sites, connected electronically via audio
505 or audio and video, and the public must be allowed to personally
506 attend each teleconference site where a member is located.

507
508 This bill adds a new, but not exclusive, teleconference option in

509 Government Code Section 11123.2 that requires a majority of the
510 Members of the state body to be at one physical, publicly
511 accessible, location, and allows additional Members above a
512 majority to participate in the meeting from non-public sites remote
513 sites, so long as the public can also participate in the meeting both
514 remotely and from publicly-accessible sites. A remote location is
515 not required to be accessible to the public. The notice and agenda
516 shall not disclose information regarding a remote location. If a
517 member of the state body attends the meeting by teleconference
518 from a remote location, the member shall disclose whether any
519 other individuals 18 years of age or older are present in the room
520 at the remote location with the member and the general nature of
521 the Members relationship with any such individuals. In addition,
522 the Members of the state body shall visibly appear on camera
523 during the open portion of a meeting that is publicly accessible via
524 the internet or other online platform. This bill also requires that
525 upon discovering that a means of remote public access and
526 participation required has failed during a meeting and cannot be
527 restored, the state body shall end or adjourn the meeting. This bill
528 would permit a person to submit a pseudonym or other
529 anonymous information when using the internet website or other
530 online platform to attend the meeting via an exemption from
531 current law where an internet website or other online platform may
532 require the submission of information to log into a teleconferenced
533 meeting.

534
535 Additionally, it creates a new meeting method for advisory bodies
536 to allow all Members of to participate remotely in meetings from
537 private non-public locations, as long as there's one physical
538 location with at least one staff member where the public can
539 attend, and the public can also access the meeting remotely.

540
541 8) SB 816 (Roth) Professions and Vocations

542
543 This bill was chaptered on October 10, 2023. This bill is the
544 Business and Professions omnibus bill. Current law, effective until
545 January 1, 2025, sets forth an approval process for a vocational

546 nursing school or program and authorizes the Board of Vocational
547 Nursing and Psychiatric Technicians to reduce the continuing
548 approval fees, by no more than 1/2 of the established fee, for a
549 program that experiences a reduction in state funding that directly
550 leads to a reduction in enrollment capacity. Current law, the
551 Psychiatric Technicians Law, also grants the board authority to
552 license and regulate psychiatric technicians. That law, effective
553 until January 1, 2025, similarly establishes an approval process for
554 a school or program for psychiatric technicians and authorizes the
555 board to reduce the continuing approval fees, by no more than 1/2
556 of the established fee, for a program that experiences a reduction
557 in state funding that directly leads to a reduction in enrollment
558 capacity. This bill would instead authorize the board to reduce the
559 continuing approval fees in the above-described circumstances for
560 a program that experiences a reduction in enrollment capacity that
561 directly leads to a reduction in state funding. This bill would revise
562 related provisions to require the board to require a program to
563 provide documentation for purposes of issuing the fee reduction.

564
565 Mr. Kaiser added the Board was very active this legislative session
566 and the Board issued a few support letters. Mr. Kaiser mentioned
567 that the Board issued a support letter for AB 931, which made it to
568 the Governor, but was vetoed. Mr. Kaiser stated he does not want
569 the veto of AB 931 to discourage the Board from being expressive
570 early in the legislature session. The legislature encourages the
571 Board to provide input as early as possible in the session.

572
573 Dr. Brandon asked who was in opposition of AB 931. Ms. Arneson
574 responded that the Association of California Life, health insurance
575 companies, California Association of health plans and America's
576 health insurance plans and Department of Finance were all in
577 opposition.

578
579 Dr. Rabena-Amen said she would like to encourage the Board to
580 support and send a letter of support for a bill like AB 931.

581
582 **23. Rulemaking Report- Brooke Arneson**

583

- 584 (A) 2023 Rulemaking Update for Pending or Proposed Regulations
585 1) Update Regarding the Development of Possible Amendments to
586 the Board's Continuing Competency Regulations

587 Dr. Rabena-Amen asked when the Board adopts a Rulemaking
588 Calendar, what is the timeframe for getting the language started.
589 Mr. Kanotz responded the Rulemaking Calendar is a feature of the
590 Administrative Procedure Act and the legislative intent is to give the
591 public notice of what all state agencies are considering in terms of
592 the regulatory actions for the next year. Mr. Kanotz added they are
593 filed by every state entity, but the document and rulemaking
594 calendar does not impose any actual limitations or requirements on
595 the Board or any state entity to adopt the regulations included in
596 the calendar over the course of that year.
597
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599 **24. Discussion and Possible Board Action on the 2024 Rulemaking Calendar-**
600 **Brooke Arneson**

601
602 Dr. Rabena-Amen asked when staff brings language forward for Schedule A,
603 will that include stakeholder feedback. Mr. Kaiser responded the is that
604 Schedule A are new regulations that are being proposed because of new
605 legislation that has passed within that year whereas Schedule B is based on
606 current legislation.
607

608 Dr. Rabena-Amen asked about obtaining stakeholder feedback prior to
609 submitting proposed language to the Board. Mr. Kaiser responded getting
610 stakeholder feedback may be difficult until language has been introduced. Mr.
611 Kaiser added that the Board highly encourages the public and stakeholder's
612 groups to participate in the regulatory process.
613

614 **MOTION:** To adopt the 2024 Rulemaking calendar as required by
615 Government Code (GC) § 11017.6.

616
617 **M/S:** Rabena-Amen/Brandon

618
619 **VOTE:** McMillian - Aye
620 Armstrong- Absent
621 Brandon - Aye
622 Eleby – Aye

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Qiu - Aye
Rabena-Amen - Aye
5-0 Ayes, Motion Carried

25. Communication & Education Update – April Beauchamps
(A) Outreach

Ms. Beauchamps gave a synopsis of her roles and responsibilities as the Communication & Education Liaison for the Executive Unit.

Ms. Beauchamps presented to the Members the outreach report. Ms. Beauchamps reported PTBC provided 8 virtual and in-person Outreach workshops to 7 PT and PTA programs for the first quarter of the state fiscal year. Ms. Beauchamps added that on September 6, 2023, the Board attended the Education Credentialing and Credentialing and Resource Fair at Fort Irwin in San Bernardino, and on October 7, 2023, the Board attended California Physical Therapy Association’s annual conference in Long Beach.

Ms. Eleby asked Ms. Beauchamps what the workforce succession plan is. Ms. Beauchamps answered it relates to staff who work for the Board that are close to retiring and cross training along with planning to ensure the Board stays staffed.

Dr. Brandon asked how the Board chooses school outreach visits and what the goal is. Ms. Beauchamps answered she reaches out to all the schools. Ms. Beauchamps added currently there are 42 Commission on Accreditation in Physical Therapy Education (CAPTE) accredited, the Board has been to 41 of the CAPTE accredited schools this quarter.

Dr. Brandon asked what the goal is for the outreach visits. Ms. Beauchamps responded to educate the students on the application process and laws and regulations relating to physical therapy, and to answer questions any students may have. Dr. Brandon asked if there could be some attention on the non-accredited schools where the pass rate is lower on the California Law Examination. Ms. Beauchamps responded the Board does visit the schools that are up for

661 accreditation that can be seen on CAPTE's website. Mr. Kaiser added
662 that non-accredited schools pass rate for examinations are specific for
663 foreign trained applicants coming in from the outside of the United
664 States or Canada and if the Board was to travel to all those schools the
665 travel expense would be large. Additionally, Mr. Kaiser added the goal
666 is to have one presentation to every graduating cohort for California
667 school. Mr. Kaiser stated that will be hard to do and there is no
668 mandate in the CAPTE accreditation for educational programs in the
669 state to provide any kind of outreach that pertains to the application
670 process within the state.

671
672 Dr. Rabena-Amen asked Ms. Beauchamps how she decides on
673 whether the school will have an in-person or virtual presentation. Ms.
674 Beauchamps answered it depends on the Program Director and the
675 Board's schedule. Mr. Kaiser added it depends on what the school is
676 requesting and what the Boards resources and availability at the time.
677 Additionally, Mr. Kaiser added there are online delivery methods but
678 there is no replacement for in-person presentation. Dr. Rabena-Amen
679 added that Outreach presentations are valuable for students because
680 they get their questions answered, the clarity of the process of
681 applications is enhanced, and they learn about the Board and what the
682 Board does.

683
684 Dr. Rabena-Amen asked how the Board access the effectiveness of
685 the Board's social media campaign. Ms. Beauchamps responded that
686 she assesses it by the number of views, for example she posted a Tik
687 Tok yesterday and today the video has over 700 views.

688
689 Dr. Rabena-Amen asked what the goal of the Board's social media
690 campaign is. Ms. Beauchamps responded that the goal is to reach
691 stakeholders with information. Mr. Kaiser added the goal is to
692 capitalize on the free advertising nature of social media and providing
693 any content we can provide that can be beneficial to both the applicant
694 and consumer. Mr. Kaiser added the goal is to utilize word of mouth
695 and to get as much information out to as many people as possible.
696

697 Dr. Rabena-Amen asked about the opportunity to do more the Board's
698 Interested Parties Mailing List. Mr. Kaiser responded that the list is
699 used for all formal communications the Board issues.

700
701 Dr. Rabena-Amen thanked Ms. Beauchamps for all the work she has
702 done for the Board.

703
704 Ms. McMillian asked is there a way to track how many times QR codes
705 are used. Mr. Kaiser responded that it is possible, but there needs to
706 be a determination of its necessity and the resources available for that
707 endeavor.

708 **26. Administrative Service Update- Alicia Hernandez, Julie Thao, Timothy**
709 **Davis, Vincent Azar**

- 710
711 (A) Staff Introductions
712 (B) Program Updates
713 (C) Budget Report

714 Ms. Hernandez, Administrative Services Lead Analyst, introduced the
715 administrative staff, and each staff member provided a presentation of their
716 roles and responsibilities within the Administrative Services Unit.

717
718 Ms. Hernandez presented the Administrative Services Unit update. Ms.
719 Hernandez added that the new fiscal year began on July 1, 2023, and during
720 the first quarter the unit has been working with the budget office on building its
721 2023/2024 budget to include the changes in duties related to the reorganization
722 that created the Executive Unit. Ms. Hernandez stated they have started the
723 annual review of equipment and will be replacing and consolidating equipment
724 to enhance productivity or save costs, along with working with other unit
725 managers on filling vacancies. Lastly, Ms. Hernandez thanked Ms. Her for her
726 service with Physical Therapy Board and wishes her all the best in her future
727 endeavors.

728
729 Ms. Hernandez presented the budget report. Ms. Hernandez added PTBC's
730 budget and revenue are in alignment.

731

732 Mr. Qiu asked why on Q1 the pro-rata shows 50%. Mr. Kaiser answered
733 through the process called Galley, when the Governor decides the state budget
734 in its entirety, that process includes all the individual budgets for state agencies.
735 The Board is given that final number of what the expectation of our budget is
736 going to be and then internally we categorize and split up those monies with
737 the exception of the pro-rata. Mr. Kaiser added that the Q4 is unique as the
738 state shuts down its books to close out the fiscal year, and there is often a
739 rebound effect in Q1 as a result.

740
741 Dr. Rabena-Amen asked whether there should be an expectation where Q4 will
742 be at zero or close to Zero. Mr. Kaiser responded that we might get close to
743 zero, but we typically plan to under expend our budget, but there are
744 unforeseen expenses that can come up.

745
746 Mr. Qiu asked why the collection of licensing renewal fees is higher than prior
747 years. Mr. Kaiser responded the quarter is affected by different factors, one is
748 that our license population is growing and that our licensed renewals
749 expirations are based on the birth year and month of the person who applied.

750 Mr. Qiu asked how the Board ensures there is sufficient segregation duties on
751 the financial side. Mr. Kaiser responded that, for example, in the Administrative
752 Services Unit there are measures and separation of duties on who can make an
753 order and who can approve the invoice and who can issue the check for the
754 payment of that invoice. These procedures are dictated by the State
755 Administrative Manual (SAM) for the State of California. Additionally, Mr. Kaiser
756 added the Board is subject to state audits.

757
758 Ms. Eleby asked how many months in reserve does the board have currently.
759 Ms. Hernandez responded that the reserve is 7 months. Mr. Kaiser added he
760 would like 10 to 12 months in reserve for unexpected expenditures.

761
762 Dr. Rabena-Amen asked what does statutory exempt mean. Mr. Kaiser
763 answered it is his position, he is exempt from Civil service protections and
764 bargaining agreements.

765 **27. Licensing Services Update- Valerie Kearney, Justin Silva, Teresa**
766 **Gutierrez, Monet Dyson**

767
768 (A) Staff Introductions

- 769 (B) Program Updates
- 770 (C) Statistical Reports

771 Ms. Kearney, Licensing Services Manager, introduced the Licensing Services
772 Unit staff, and each staff member provided a presentation of their roles and
773 responsibilities within the Licensing Services Unit.

774
775 Ms. Gutierrez shared that the Board has been actively accepting the
776 Performance Evaluation Tool (PET) since September 2020. Since September
777 2020 35% were under the PET and in the last month 50% received were under
778 the PET.

779
780 Ms. Kearney shared the Board is currently recruiting for 2 Staff Services Analyst
781 positions. Ms. Kearney thanked Mr. Row on overseeing new physical therapy
782 assistant graduate applications for the past year and a half.

783
784 Dr. Rabena-Amen asked if Mr. Row is doing physical therapy assistant and
785 military applications. Ms. Kearney responded yes and explained that Mr. Row's
786 duties are endorsement applications, both physical therapy and physical
787 therapy assistant, military active duty, honorably discharged and military spouse
788 applications. Additionally, Mr. Row issues, and maintains those licenses. Ms.
789 Kearney added that since March of 2022 she has needed assistance on
790 Physical Therapy Assistance new grads, and Mr. Row has done a great job.

791
792 Ms. Kearney presented the Licensing Services Statistical Report, which can be
793 found on the materials.

794
795 Dr. Rabena-Amen asked if the total application processing times in the first table
796 on the report, is that a total of all the different types of applications. Ms. Kearney
797 responded that it is the processing time for all applications. Dr. Rabena-Amen
798 asked how is that time measured, for example, for the CAPTE application, when
799 does the clock start and stop? Ms. Kearney responded it starts when the
800 application is paid for and stops when the candidate is either licensed or denied.
801 Mr. Kaiser added that it is difficult to break down the time, and that the
802 Department of Consumer Affairs has been struggling with this because boards
803 and bureaus have different models and different requirements.

804
805 Dr. Rabena-Amen asked about continuing competency audit pass rates. The
806 Physical Therapy Assistance (PTA) pass rate is 30% lower than the Physical
807 Therapy (PT) pass rate. Would there be an opportunity for outreach regarding
808 continuing competency to PTAs? Mr. Kaiser responded those numbers have
809 always had a disparity between PT and PTAs, it can be due in part to the use of
810 practitioners during that period and how many stepped away during the middle

811 of the pandemic. Mr. Kaiser also added that it may be anomalous due to a very
812 small pass rate. Ms. Conley added this is due to the limitation the Board has
813 right now is the Continuing Competency Unit being down 1 position. With the
814 vacancy the Board had to reduce the sample rate, which showed a slight change
815 in the number of failures. Dr. Rabena-Amen asked if the Board was fully staff
816 how many would be audited. Ms. Conley responded the last quarter was 30 for
817 PTA's, and but the sample was reduced due to vacancy.
818
819

820 **28. Consumer Protection Services Update- Carole Phelps, Cristy Livramento,**
821 **David Laxton, Francisco Solis, Angel Ottley**

822

- 823 (A) Staff introductions
- 824 (B) Program Updates
- 825 (C) Statistical Reports

826 Ms. Phelps, Consumer Protection Services Manager introduced the Consumer
827 Protection Services Unit (CPS) staff, and each staff member provided a
828 presentation of their roles and responsibilities within the CPS Unit.
829

830 Ms. Phelps stated that the unit filled one of its vacant positions on July 1, 2023,
831 with Ms. Ottley, and on November 15, 2023, CPS filled the other vacant position
832 with Mr. Solis. Ms. Phelps thanked CPS staff for all their patience, flexibility,
833 and support in carrying the additional workload for the last year.
834

835 Ms. Phelps added that working with Ms. Beauchamps and Mr. Azar, CPS has
836 successfully updated the Board's website where they can provide consumer
837 protection-related resources and information on the consumers page and the
838 new enforcement page.
839

840 Ms. Phelps presented the CPS statistics report on Performance Measure 1,
841 which shows that the number of complaints received this quarter has increased
842 by 34% from last fiscal year with a total of 160 complaints received which is
843 comparable to pre-pandemic statistics. Ms. Phelps stated Performance
844 Measure 3 shows the average case in days that were closed without referral to
845 the Attorney's General's Office for formal discipline, and that the average for
846 those were 122 days, a decrease of 27% in comparison to last fiscal year. Ms.
847 Phelps stated Performance Measure 4 reflects the average number of days to
848 complete investigations and enforcement actions for complaints that are
849 transmitted to the Attorney General's Office for formal discipline. The case
850 aging average for this performance measure of 552 days is lower compared to
851 last fiscal year and is just over the target of 540 days.

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Ms. Phelps reported there are currently 403 open complaint investigation cases currently being investigated by 6 analysts. Ms. Phelps added that 7 of those cases were opened in 2019, 6 were opened in 2020, 24 were opened in 2021, 84 were opened in 2022, and 279 were opened in 2023.

Ms. Phelps provided a summary of all disciplinary actions taken by the Board in the first quarter. There were 3 licensees who entered into a stipulated agreement to surrender their license, 2 licenses were revoked, and 1 licensee was placed on probation.

29. Probation Monitoring Services Update- Monny Martin

- (A) Staff Introductions
- (B) Program Updates
- (C) Statistical Reports

Mr. Martin gave a synopsis of his roles and responsibilities as the probation monitor for the Consumer Protection Services Unit and presented the Probation Statistics Report. Mr. Martin reported that for the first quarter of FY 2023-24, there was an increase from the last quarter of a total of 77 licenses on probation for various causes. Same quarter last year, there were 75 licensees on probation. Mr. Martin added besides the 59 licensees that are not tolling and are working in the state, 9 enrolled in substance abuse rehab program equal about 15% of licensees that are working in the State, 1 licensee enrolled in the quarter and 0 licensee completed the program in that quarter.

Mr. Martin added there were 0 instances of major non-compliance with probation in the quarter, but there were 4 instances of minor violations which were handled by sending warning letters to the offending licensees. Additionally, there was 1 licensee who entered probation compared to the same quarter last fiscal year where 4 licensees began probation.

Mr. Martin added that 1 licensee was terminated for Non-compliance with the Substance Abuse Rehabilitation Program.

Ms. Eleby asked what it looks like when someone's probation ends. Mr. Martin responds if the probation ends, during the quarterly interview, Mr. Martin will let the probationer know what this is the last interview and what the next process is. Mr. Martin added if the probationer finishes in the middle of the

891 quarter, he will tell them to send him their paperwork and the minimum hours
892 to count for probation for the month. Mr. Martin will update BreEZe or create a
893 new order so people can see probation is completed. Additionally, a copy is
894 sent to the probationer via mail of successful completion of probation.

895
896 Dr. Brandon asked what the challenges are of being a probation monitor. Mr.
897 Martin responded that prior to COVID, he would travel to meet probationers.
898 For probationers who are not easily accessible in remote areas, he would see
899 them twice a year; but the probationers that are easier to access he would see
900 every quarter.

901
902 Dr. Rabena-Amen asked what some of the reasons are for in-state tolling. Mr.
903 Martin responded in-state tolling is mostly unemployment. These situations
904 can range from people who are unable to meet requirements due to being in a
905 rural area with few opportunities, to people who are working and are unable to
906 meet the requirements for health reasons.

907
908 **30. Board Member Elections**

909
910 (A) **President**

911 **NOMINATION:** Ms. Eleby nominated Ms.
912 McMillian as Board President

913
914 **NOMINEE:** Ms. McMillian

915
916 **MOTION:** To elect Ms. McMillian as
917 Board President.

918 **M/S:** Eleby/Rabena-Amen
919 Ms. McMillian accepted the
920 nomination.

921 **VOTE:** McMillian - Aye
922 Armstrong- Absent
923 Brandon - Aye
924 Eleby – Aye
925 Qiu - Aye
926 Rabena-Amen - Aye
927 5-0 Ayes, Motion Carried

928
929 (B) **Vice-President**

930
931 **NOMINATION:** Dr. Brandon nominated Dr.
932 Armstrong as Vice- President
933

934 **NOMINEE:** Dr. Armstrong
935

936 **MOTION:** To elect Dr. Armstrong as Vice-
937 President.

938 **M/S:** Brandon/McMillian
939 Dr. Armstrong accepted the
940 nomination.

941 **VOTE:** McMillian - Aye
942 Armstrong- Absent
943 Brandon - Aye
944 Eleby – Aye
945 Qiu - Aye
946 Rabena-Amen - Aye
947 5-0 Ayes, Motion Carried
948

949
950 (C) **FSBPT Delegate**
951

952
953 **NOMINATION:** Ms. Eleby nominated Mr. Qiu as
954 FSBPT Delegate
955

956 **NOMINEE:** Mr. Qiu
957

958 **MOTION:** To elect Mr. Qiu as FSBPT
959 Delegate
960

961 **M/S:** Eleby/McMillian
962 Mr. Qiu accepted the nomination.

963 **VOTE:** McMillian - Aye
964 Armstrong- Absent
965 Brandon - Aye

Eleby – Aye
Qiu - Aye
Rabena-Amen - Aye
5-0 Ayes, Motion Carried

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(D) **FSBPT Alternate Delegate**

NOMINATION: Ms. Eleby nominated Dr. Brandon as FSBPT Alternate Delegate

NOMINEE: Dr. Rabena-Amen/Dr. Brandon

MOTION: To elect Dr. Brandon as FSBPT Alternate Delegate

M/S: Eleby/McMillian
Dr. Brandon accepted the nomination.

VOTE: McMillian - Aye
Armstrong- Absent
Brandon - Aye
Eleby – Aye
Qiu - Aye
Rabena-Amen - Aye
5-0 Ayes, Motion Carried

(E) **FSBPT Back-Up Delegate**

The Board established back-up alternate delegates in alphabetical order by the last name of each Board member.

NOMINATION: Alphabetical order by last name of the remaining Board Members

NOMINEE: Alphabetical order by last name of remaining Board Members

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1003
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