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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  
Adopted Meeting Minutes**

June 13-14, 2024 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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**Thursday, June 13, 2024**

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**1. Call to Order**

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10 The Physical Therapy Board of California (Board) meeting was called to order  
11 by President McMillian at 9:00 a.m. and went into closed session at 11:46 a.m.  
12 on June 13, 2023.

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

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McMillian - Present

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Armstrong- Present

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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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24 All Members were present, and a quorum was established. Also present at the  
25 meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive  
26 Officer; Sarah Conley, Assistant Executive Officer; Brooke Arneson, Legislation  
27 and Regulation Manager; Liz Constancio, Administrative Manager, Carole  
28 Phelps, Enforcement Manager; Valerie Kearney, Licensing Manager; and Board  
29 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. Review and Approval of December 6-8, 2023, Meeting Minutes**

Ms. Rozakis presented the draft of the meeting minutes for December 6-8, 2023. The Board reviewed the minutes and made grammatical and editorial changes.

**MOTION:** Adopt the proposed December 6-8, 2023, Meeting Minutes, as amended.

**M/S:** Brandon/Armstrong

**VOTE:** McMillian - Aye  
Armstrong- Aye  
Brandon - Aye  
Eleby – Aye  
Qiu - Aye  
Rabena-Amen - Aye  
6-0 Ayes, Motion Carried

**5. President’s Report**

(A) 2024 Adopt Meeting Calendar

Mr. Kaiser stated that with two Board meeting calendar dates left for 2024, he wanted to make sure there were no conflicts. He reported that for the September 2024 meeting, staff are coordinating with Sacramento State University to hold the meeting at their campus and if that does not work, the September 2024 meeting will be held at the Sacramento Evergreen location.

Ms. McMillian asked if the budget revision would affect the September 2024 meeting. Mr. Kaiser responded depending on Sacramento State University’s rate for hosting the meeting and if the amount is minimal, he sees no issues.

(B) 2025 Proposed Meeting Calendar

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Mr. Kanotz, PTBC Legal Counsel, stated that there are a few conflicts with the Board of Accountancy that will conflict with the Board’s 2025 meeting calendar. Mr. Kaiser added Budget Letter 23-27 addresses this upcoming fiscal year and next fiscal year and PTBC should expect 2025 to have the same restrictions as 2024.

Dr. Brandon asked if travel is still approved, will Loma Linda be scheduled for September 2025? She added that the September 2025 dates will be before the first day of school, which would not be ideal and if it is possible to move the meeting dates for Loma Linda to December 2025 to incorporate the students. Mr. Kaiser responded that it would be possible to move Loma Linda to the first week of October 2025, but the other meeting dates in 2025 would need to be looked at, to ensure they are spaced out evenly. Mr. Kaiser added that depending on cost, the Board may have to do cost-saving measures such as staying local or holding remote meetings.

Dr. Brandon asked with a Webex meeting, would the public have to attend at one location to participate? Mr. Kaiser responded that the current amendments of the Bagley-Keene Act would allow the Board to provide a hybrid meeting, however, the majority of the members would need to be in a single location accessible to the public. Mr. Kaiser added he would prefer a hybrid meeting that provides access virtually and meets our statutory mandate to meet in a specific location in California.

Lastly, Mr. Kaiser added that the Board is looking forward to returning to Loma Linda for a Board meeting in 2025 and he thanked Dr. Brandon for making arrangements on behalf of the Board.

**6. Executive Officer’s Report**  
(A) Executive Services

Mr. Kaiser reported that Outreach is getting busier, but with the budget cuts, Outreach will be affected. Mr. Kaiser added that the Board will be holding a town hall Q&A with the California Physical Therapy Association (CPTA) in August.

Mr. Kaiser reported that the Board has had a vacancy for a long time, however, he is hopeful that the vacancy will be filled soon. Mr. Kaiser added that in the last few weeks, a new appointment secretary was named; Morgan Carvajal, filling the role that was held previously by

113 Cathryn Rivera since June 2019. Additionally, he reported that there  
114 have been a few recent board appointments made, with 3 appointments  
115 made for the Medical Board of California (MBC) and over 26  
116 appointments made across the Department of Consumer Affairs (DCA)  
117 as of April 30, 2024.

118  
119 Dr. Rabena-Amen expressed her concerns since she and Ms. Eleby will  
120 be entering their grace year since there will be 2 members' term off at  
121 the same time, which may affect the Board meeting quorum.

122  
123 (B) Administrative Services

124  
125 Mr. Kaiser reported to the Board that shortly after the December 2024  
126 Board meeting, the Department of Finance issued Budget Letter 23-27,  
127 which anticipates a significant general fund budget deficit for Fiscal Year  
128 23/24 and Fiscal Year 24/25 stating that we must take immediate action  
129 to reduce expenditures and identify all operational savings. Due to  
130 Budget Letter 23-27, the March 2024 meeting had to be canceled. Mr.  
131 Kaiser added that since Budget Letter 23-27, all expenditures are being  
132 looked at very carefully with additional approval needed and that  
133 exemption requests ranging from travel arrangements and purchasing  
134 office supplies to support daily operations are being closely monitored.  
135 Mr. Kaiser reported that with the most recent Governor's May revision  
136 of the budget, additional constraints may be coming including an  
137 expected 8% reduction in overall budgets and a vacancy sweep  
138 involving 10,000 positions statewide.

139  
140 Mr. Kaiser shared that with the 10,000 vacancies sweep, there are  
141 concerns due to the Board's 2 vacancies, one an Associate  
142 Governmental Program Analyst Lead position, and the other an  
143 Associate Governmental Program Analyst Continuing Competency  
144 Analyst position, both vacancies are in the Application and Licensing  
145 Services Unit. He added that the Board is actively and urgently trying to  
146 fill those positions as soon as possible.

147  
148 Ms. McMillian asked what the added layers of approval are. Mr. Kaiser  
149 answered with the example of Board travel, as the staff makes  
150 arrangements for travel accommodations (hotel, flight, car rentals) staff  
151 submits on top of the normal request, an exemption form that goes to  
152 the Department of Consumer Affairs and Agency for review to determine  
153 if the travel is mission critical or if there may be some alternatives for  
154 cost savings. Mr. Kaiser added that for purchasing, to meet operational

155 needs items such as papers, pens, laptops, equipment, etc. an  
156 exemption request will need to be completed with an explanation of why  
157 those items are needed and if there are cost-saving alternatives.  
158

159 Dr. Rabena-Amen asked what the obstacles to filling vacancies are. Mr.  
160 Kaiser responded that the recruitment process can be lengthy when a  
161 vacant position is posted. The Board may receive hundreds of  
162 applications which will need to be reviewed for the interview process,  
163 and once the candidate is selected there may be other issues that may  
164 arise like finding out the chosen candidate does not meet the minimum  
165 qualification for that position, which can derail that recruitment where the  
166 Board will have to go with the second candidate or the vacant position  
167 posting will have to be reposted. Additionally, Mr. Kaiser added that if  
168 the Board made an offer the person accepted, but the day before the  
169 person started, they changed their mind and backed out of the offer. Mr.  
170 Kaiser also added it is time-consuming to run multiple vacancies at the  
171 same time.  
172

173 Dr. Brandon thanked PTBC for everything they have done to adjust and  
174 work through these challenges and for making such a great team.  
175

176 (C) Licensing Services  
177

178 Mr. Kaiser presented to the Board that there are a few appointment  
179 announcements, but he will have Ms. Kearney, the Licensing Services  
180 Manager make the announcements during her report. Mr. Kaiser also  
181 thanked the Application and Licensing Services Unit staff for keeping the  
182 Board on track despite multiple vacancies over the past year and a half.  
183 Additionally, Mr. Kaiser thanked Ms. Kearney for being a great leader.  
184

185 (D) Consumer Protection Service  
186

187 Mr. Kaiser stated that in August 2024, there will be an AG-led training  
188 for the Division of Investigation which will be provided by John Gatschet,  
189 Deputy Attorney General, and by an Administrative Law Judge. Board  
190 members and enforcement analysts are encouraged to attend.  
191 Additionally, on September 9, 2024, there is an expert consultant  
192 training scheduled, which will be held via Webex.

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196 **7. Consumer and Professional Associations and Intergovernmental**  
197 **Relations Reports**

198 (A) Federation of State Boards of Physical Therapy (FSBPT)  
199

200 Mr. Kaiser updated the Board that he and Mr. Qiu will be attending the  
201 Leadership Issues Forum remotely and will submit an out-of-state travel  
202 request for the Delegate Assembly and Education Meeting held in Cedar  
203 Rapids, Iowa, in October 2024. Mr. Kaiser added he has been working  
204 with FSBPT on their Sexual Misconduct and Boundaries Task Force,  
205 and a presentation will be presented at both the Leadership Issues  
206 Forum and the Education Meeting.

207  
208 Mr. Kaiser thanked FSBPT for having flexibility in allowing the Board to  
209 participate in training remotely.

210  
211 (B) Department of Consumer Affairs (DCA) – Executive Office  
212

213 Mr. Clifford, Senior Planning, and Implementation Manager with the  
214 Department of Consumer Affairs Executive Office updated the Board  
215 that on May 10, 2024, Governor Newsom released the May revision of  
216 the proposed 2024 state budget, which included cuts of one-time  
217 spending by 19.1 billion and ongoing spending by 13.7 billion through  
218 years 2025 and 2026, an 8% cut to state operations, and the target  
219 elimination of 10,000 state positions. Mr. Clifford added that once the  
220 state budget is finalized, the Department of Consumer Affairs will share  
221 all information and guidance received from the Department of Finance,  
222 and the Department of Consumer Affairs. He added that the Board must  
223 continue to scrutinize expenditures and maximize cost savings, only  
224 authorizing expenditures that are mission-critical and essential to  
225 operations and public services.

226  
227 Mr. Clifford shared that on May 29, 2024, the Department of Consumer  
228 Affairs hosted a live webinar to share information about licensing  
229 resources available to members of the military and their families.  
230 Attendees were welcomed by Secretary Melinda Grant and were  
231 provided a demonstration of the federal professional license portability  
232 and state registration portal by Chief Information Officer Jason Piccione.  
233 The event concluded with Director Kimberly Kirchmeyer encouraging  
234 attendees to share the licensing resources with others and  
235 reiterating that the Department of Consumer Affairs is committed to

236 supporting the military community. Additionally, the archive of the  
237 webinar is available on the Department of Consumer Affairs Military  
238 Resources webpage. Mr. Clifford thanked Mr. Kaiser and Mr. Row, the  
239 Physical Therapy Board Analyst, for being part of this event.  
240

241 Mr. Clifford stated that on June 11, 2024, the Department of Consumer  
242 Affairs met with Board Presidents, Vice Presidents, Committee Chairs,  
243 Executive Officers, and Bureau Chiefs at its quarterly leadership  
244 meeting. Agency Secretary Moss opened the meeting, and agenda  
245 items included updates from the Department of Consumer Affairs on  
246 the state budget, information security, diversity, equity, and inclusion  
247 activities, as well as a presentation from the Office of Digital Innovation  
248 in plain language.  
249

250 Mr. Clifford added that the Department of Consumer Affairs has  
251 learned of a recent increase in scams targeting licensees. The nature  
252 of these scams varies but is similar in that they involve individuals  
253 falsely identifying themselves as board employees and telling the  
254 licensees they are under investigation. Additionally, the scammers  
255 attempt to gather personal and/or financial information and may even  
256 demand payments. Mr. Clifford urged boards to be vigilant and  
257 proactive in providing licenses with tips on avoiding scams.  
258

259 Ms. Clifford updated the Board on the Diversity, Equity, and Inclusion  
260 (DEI) Steering Committee meeting on July 26, 2024, and if there are  
261 any ideas for the committee to consider, please let your Executive  
262 Officer know. Mr. Clifford gave a reminder that the Department of  
263 Consumer Affairs Learning Management System (LMS) has many  
264 DEI-related training courses available, and Board Members are  
265 encouraged to participate in these trainings.  
266

267 Lastly, Mr. Clifford gave a reminder on Board Member Orientation  
268 (BMOT) training, where board members must complete BMOT within  
269 one year of appointment or reappointment. Additionally, BMOT will be  
270 offered virtually on June 18, 2024, and October 22, 2024; registration  
271 for the training is on the Learning Management System (LMS).  
272

273 (C) California Physical Therapy Association (CPTA)  
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275 Ms. DeFoe reminded the members that the California Physical Therapy  
276 Association (CPTA) Conference will be held on September 21- 22, 2024,  
277 in San Francisco, CA, at the Burlingame Hyatt. Additionally, Ms. DeFoe

278 added she is hoping for the Board to attend where the attendees can  
279 have access to PTBC for any questions that can be answered. Mr.  
280 Kaiser added the Board will be filing an exemption request to attend the  
281 CPTA Conference.

282  
283 Ms. DeFoe added webinar Q&A Wednesdays have become very  
284 successful and CPTA has scheduled an additional Q&A with PTBC on  
285 August 7, 2024.

286  
287 Ms. DeFoe shared that March 12, 2024, was Professionals Legislative  
288 Day at the California State Capital, where CPTA was able to advocate  
289 on behalf of physical therapy. Ms. DeFoe added that CPTA is  
290 sponsoring AB 2289, and it is going well, and that the bill has passed on  
291 consent of the Senate Transportation Committee.

292  
293 Ms. DeFoe thanked Mr. Kaiser and the Board for the continued open  
294 lines of communication along with having quarterly meetings where  
295 CPTA and the Board meet to share information.

296 Dr. Rabena-Amen asked if there are any updates on the modernization  
297 of the Practice Act. Ms. DeFoe responded that the modernization task  
298 force has completed and finalized their assessment, however, there is  
299 still a task force to address any other issues that may come up. The  
300 Practice Act has moved to the Government Affairs Committee and  
301 Quality Practice Committee. Ms. DeFoe added that language has been  
302 developed so it can be presented to external stakeholders for feedback.

303  
304 Dr. Rabena-Amen asked if dry needling would be part of the  
305 conversation. Ms. DeFoe responded it would be.

306  
307 Dr. Brandon asked if there was any discussion between the  
308 Occupational Therapy Pelvic Health White Paper and Physical  
309 Therapist. Ms. Defoe answered she is not familiar with the white paper  
310 and will have to look into that.

311  
312 **8. California Jurisprudence Assessment Module (CAL JAM) Presentation**

313  
314 Ms. Beauchamps, Communication and Education Liaison and Mr. Rosa from  
315 the Federation of State Boards of Physical Therapy presented to the Board the  
316 changes on the California Law Exam.

317 Mr. Kaiser thanked Ms. Conley, Dr. Brandon, and Dr. Rabena-Amen for helping  
318 in the final assessment and keeping the Board's target release of July 1, 2024.



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Mr. Kaiser added that the Board is the ninth state to adopt the Jurisprudence Assessment Module with the Federation of State Boards of Physical Therapy.

**9. Discussion and Possible Board Action Regarding the Strategic Plan**

(A) Adoption of the Strategic Plan

The 2024-2029 Strategic Plan was presented to the Board for their consideration. One small correction was made to Dr. Rabena-Amen's credentials which should read DPT, not PT.

**MOTION:** Move to adopt the Strategic Plan as amended

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

**VOTE:** McMillian - Aye  
Armstrong – Aye  
Brandon – Aye  
Eleby – Aye  
Qiu – Aye  
Rabena-Amen – Aye  
6-0 Ayes, Motion Carried

**10. 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.

**11. Closed Session**

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

(B) Pursuant to Government Code section 1126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer

**12. Recess**

The Board entered into closed session at 11:10 a.m. and recessed at 11:46 a.m.

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**Friday, June 14, 2024**

**13. Call to Order**

The Physical Therapy Board of California (Board) meeting was called to order by President Ms. McMillian at 9:00 a.m. and adjourned at 1:48 p.m. Dr. Brandon was absent beginning at 1:00 p.m.

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

McMillian - Present  
Armstrong- Present  
Brandon - Present  
Eleby – Present  
Qiu- 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; Sarah Conley, Assistant Executive Officer; Brooke Arneson, Legislation and Regulation Manager; Liz Constancio, Administrative Manager Carole Phelps, Enforcement Manager; Valerie Kearney, Licensing Manager; and Board staff: Kim Rozakis, April Beauchamps and Alicia Hernandez.

**15. Reading of the Board’s Mission Statement**

Mr. Qiu 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.

**16. Office of Professional Examination Services (OPES) Presentation**

Ms. Lincer and Mr. Calvert from the Office of Professional Examination Services (OPES) presented an overview of OPES and details about the occupational analysis and national examination review projects that OPES will be conducting for the Board.

**17. Executive Services Update**

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(A) **Legislation Report**  
2023/24 Legislation Session Summary

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Ms. Arneson stated that the Board is currently in the second year of the two-year legislative session and May 17, 2024, was the deadline for all fiscal bills to be out of the appropriations committees for the house that they were introduced in and any bills that failed to advance were marked as dead. Additionally, 299 bills failed this deadline in this session which is most likely attributed to the state's current budget concerns.

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Ms. Arneson added that for the upcoming legislative deadlines, August 23, 2024, is the last day to amend bills on the floor, and August 31, 2024, is the last day for each house to pass bills. The Governor has until September 30, 2024, to sign or veto bills passed by the legislature and all bills will take effect on January 1, 2025, unless they have an urgency clause.

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1) AB 796 (Weber) Athletic Trainers

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Ms. Arneson stated this is the second year in this legislative session for this bill and it would enact the Athletic Training Practice Act. This act would establish, until January 1, 2028, the Athletic Trainer Registration Committee which would be within the Medical Board of California to register athletic trainers and administer duties under the Athletic Training Practice Act. In addition, this bill would prohibit a person from practicing as an athletic trainer or using certain titles or terms without being registered by the Athletic Trainer Registration Committee.

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Ms. Arneson reported that this bill is currently in the Senate Business and Professions Committee with a hearing set for June 24<sup>th</sup>.

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Ms. DeFoe, Executive Director of the California Physical Therapy Association (CPTA), shared with the Board that this bill is in the second year of a two-year bill and is scheduled to be heard on June 24, 2024. Additionally, CPTA will be working with the author and the sponsors if there will be any changes, and at this point, CPTA's position is opposed unless amended.

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2) AB 814 (Lowenthal) Veterinary Medicine: Animal Rehabilitation

433 Ms. Arneson reported that this bill would authorize a licensed PT who  
434 meets requirements determined by the Veterinary Medical Board to  
435 provide animal rehabilitation to an animal if certain requirements are  
436 met, including that the animal's physical rehabilitation is performed  
437 on premises registered within the VMB and that the PT works under  
438 the supervision of a licensed veterinarian who has an established  
439 veterinarian-client-patient relationship with the animal, amongst  
440 other specified requirements.

441  
442 Ms. Arneson stated that this bill as currently written, proposes to  
443 open our practice act in two separate sections: the first section would  
444 be the addition of BPC 2631 which would state that a PT is not  
445 prohibited from performing animal rehabilitation or from carrying out  
446 the activities authorized under the newly proposed BPC Section  
447 4828.5. The second addition would be BPC 2660.9 which would  
448 state that a violation of performing animal rehabilitation by a licensee  
449 shall constitute as unprofessional conduct under BPC Section 2660.

450  
451 This bill was introduced in the first year of the legislative session and  
452 is currently in the Senate Business and Professions Committee with  
453 a hearing date set for July 1<sup>st</sup>.

454  
455 Ms. Atlas, a physical therapist, and President of the Animal Physical  
456 Therapy Coalition (APTC), made public comment that the APTC  
457 seeks common-sense laws that provide for animal rehabilitation in  
458 California under safe and workable conditions. Ms. Atlas added that  
459 in California, a veterinarian can only refer to another veterinarian,  
460 whereas AB 814 seeks to expand the veterinarian's choices by giving  
461 them the option to refer to another licensed professional.

462 Ms. Atlas stated that there is a profound access to care issue for  
463 animal health care. This bill will help relieve some of the burden from  
464 the veterinarians by allowing them to refer out to another facility even  
465 if their hospital does not provide these essential services.

466 Mr. Ayers, lobbyist representing the Animal Physical Therapy  
467 Coalition, was present to answer additional questions.

468  
469 Mr. Miller, Veterinarian, and Director of Regulatory Affairs for the  
470 California Veterinary Medical Association (CVMA), provided public  
471 comment, that CVMA represents the veterinarians in the state of  
472 California; with 12,500 licensed veterinarians, CVMA represents  
473 8,000. Mr. Miller shared that CVMA is opposed to AB 814 because

474 this bill does not serve in the best interest of consumer protection,  
475 nor does it address access to veterinary care. Additionally, access to  
476 veterinary care involves one-quarter of the pet-owning population not  
477 being able to afford the most basic care for their animals, which does  
478 not include elective care such as getting a vaccine for their animals.

479  
480 Mr. Miller shared that this bill would permit physical therapists to  
481 practice completely unsupervised on all species of animals.  
482 Additionally, direct, or indirect supervision that is defined in CVMA's  
483 Practice Act is those that take place within a registered veterinary  
484 premise that has an on-site veterinarian licensed manager. Direct  
485 supervision means they have established a relationship and they are  
486 on the premises when something happens, and indirect supervision  
487 is when they have established a relationship and they are not on the  
488 premises when something happens. Mr. Miller added this bill is not  
489 direct or indirect supervision; this bill is by referral, which means  
490 physical therapists are running their practices without a veterinarian  
491 on site.

492  
493 Mr. Miller shared that this bill creates a disparity between a  
494 rehabilitation practice run by a physical therapist and one run by a  
495 veterinarian. One of the requirements for veterinarians who offer  
496 animal physical rehabilitation is to have emergency drugs on hand in  
497 their practice to be able to provide care to animals that have a crisis.  
498 Mr. Miller added that if a physical therapy practice is opened right  
499 next door that offers the same thing as a veterinary practice, the  
500 veterinary practice has to have all the drugs and have the ability to  
501 use them, whereas there is no way for a physical therapy practice to  
502 do the same thing because there is no trained individual in that  
503 practice to be able to obtain those drugs and know how to use them  
504 to stabilize the animal.

505  
506 Mr. Kaiser added there may be some conflicts when it comes to  
507 consumer protection and consumer knowledge and there may be  
508 some confusion where a consumer should complain.

509  
510 Ms. Eleby asked if the Board wanted to take action on this bill. Ms.  
511 McMillian answered she would like to discuss and take action.

512  
513 Mr. Ayers encouraged the Board to maintain a watch position on this  
514 bill rather than an opposed position because there will be  
515 amendments and the bill will change going forward. Additionally, Mr.  
516 Ayers, stated that there are ongoing conversations with the Senate

517 Business and Professions Committee, and there are currently  
518 budget and cost issues.

519  
520 **MOTION:** Oppose AB 814

521  
522 **M/S:** Eleby/McMillian

523  
524 **VOTE:** McMillian - Aye  
525 Armstrong – Nay  
526 Brandon – No  
527 Eleby – Aye  
528 Qiu – Abstain  
529 Rabena-Amen – No  
530 2 ayes, 3 nos and 1 abstain – Motion Failed

531  
532 The Board maintained a watch position for AB 814.

533  
534  
535 3) AB 1991 (Bonta) Licensee and Registrant Records

536  
537 Ms. Arneson reported that this bill would require all healing arts  
538 boards under DCA to collect specified workforce data from their  
539 licensees and registrants at least biennially as a requirement instead  
540 of optional at the time of license issuance or renewal. Additionally,  
541 this bill requires that information be subsequently provided to the  
542 Department of Health Care Access and Information (HCAI) for future  
543 workforce planning. The most recent amendment states that it would  
544 prohibit boards from denying an application for license or renewal  
545 solely because the licensee or registrant failed to provide any of the  
546 workforce data. Currently, PTBC requests this information however  
547 we do not require it. Examples of the data collection required are  
548 anticipated year of retirement; area of practice or specialty; city,  
549 county, and zip code of practice; date of birth; educational  
550 background; gender or gender identity; languages spoken; national  
551 provider identifier; race or ethnicity; work hours; sexual orientation;  
552 disability status; hours spent in direct patient care. This bill is  
553 currently in the Senate Business and Professions Committee with a  
554 hearing set for June 17<sup>th</sup>.

555  
556 Dr. Brandon asked if the Board currently collects this information.  
557 Ms. Arneson answered it is not required at this time and that the

558 Board does collect that data as an option during the application  
559 process, however, this bill will make this required at the time of  
560 application or license renewal.

561 Dr. Brandon stated she was concerned that the removal of the  
562 decline to state is concerning and will limit someone to complete the  
563 application. Mr. Kaiser added that if this is successful and passes,  
564 the new renewal process would not allow the applicant to move  
565 forward throughout those steps and they would be required to  
566 answer these questions.

567  
568 Ms. Conley, Assistant Executive Officer of the Physical Therapy  
569 Board of California (PTBC), added that as the bill is currently written,  
570 it appears that it would only be for electronic renewal and licensees  
571 would have the option to renew with a paper application.; She stated  
572 that there may be the potential for this to increase paper applications.  
573 Ms. Conley added this bill does say that the Board cannot approve  
574 an application if the survey is not complete, but that is only available  
575 through the paper application process as the survey is online.

576  
577 Mr. Kaiser added this may have more applicants rely on the paper  
578 application as a result of this change.

579  
580 4) AB 2269 (Flora) Board Membership Qualifications: Public Members  
581

582 Ms. Arneson reported that this bill reduces the existing time frame  
583 during which public or lay members of a board are prohibited from  
584 having business relationships with licensees of that board from 5  
585 years to 3 years immediately preceding a Board member's  
586 appointment. These provisions of this bill apply to Board members  
587 appointed on or after January 1, 2025. Currently, this bill is in the  
588 Senate Business Professions Committee with a hearing set for July  
589 1<sup>st</sup>.

590  
591 5) AB 2289 (Low) Vehicles: Parking Placards and Special License  
592 Plates for Disabled Veterans and Persons with Disabilities  
593

594 Ms. Arneson reported that this bill would authorize, beginning  
595 January 1, 2026, a licensed PT to certify the following disabled  
596 persons for purposes of receiving a disability placard, plate, or  
597 temporary placard from the DMV: a person who has lost or has lost

598 the use of one, or lower extremities; a disabled veteran who has lost  
599 one hand, or a disabled person who has lost two hands; or a person  
600 who has significant limitation in the use of lower extremities. In  
601 addition, this bill requires the PT to provide a full description of the  
602 disability on the form submitted to DMV and requires a PT to retain  
603 information sufficient to substantiate the disability. It also would  
604 require upon the request of the DMV, to make this information  
605 available for inspection by the Medical Board of California or the  
606 appropriate regulatory board.

607  
608 She added that this bill passed out of the Senate Transportation  
609 Committee and is now in the Senate Appropriations Committee.

610  
611 Ms. DeFoe, Executive Director of the California Physical Therapy  
612 Association (CPTA) provided public comment and stated that this bill  
613 is CPTA-sponsored. Ms. DeFoe also shared that CPTA would  
614 appreciate the Board's consideration of this bill.

615  
616 6) AB 2725 (Rubio & Muratsuchi) Teacher Credentialing:  
617 Administrative Services Credential: Occupational and Physical  
618 Therapists

619  
620 Ms. Arneson reported that this bill is similar to AB 381 from the first  
621 year of the legislative session. AB 2725 would create a pathway for  
622 a school-based occupational therapist or a school-based physical  
623 therapist to obtain a credential that would allow them to pursue an  
624 administrative services credential and participate in leadership  
625 positions in schools. PTBC did issue a letter of support last  
626 legislative session for AB 381 which is a similar rendition of this bill  
627 which died last year in the Appropriations Committee. The Board  
628 stated in their issuance of support, that this bill would minimize  
629 barriers by providing access to care for California consumers within  
630 the school districts. Currently, this bill is in the Senate  
631 Appropriations Committee with a hearing set for June 17<sup>th</sup>.

632  
633 Ms. DeFoe Executive Director of the California Physical Therapy  
634 Association (CPTA) thanked the Board for their support of this bill.

635  
636 **MOTION:** Move to support AB 2725 and draft a letter of support



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

**VOTE:** McMillian - Aye  
Armstrong – Aye  
Brandon – Aye  
Eleby – Aye  
Qiu – Aye  
Rabena-Amen – Aye  
6-0 Ayes, Motion Carried

7) AB 2862 (Gipson) Department of Consumer Affairs; African American Applicants

Ms. Arneson reported that until January 1, 2029, this bill would require a state licensing Board to prioritize African American applicants seeking licensure, especially those applicants who are descended from a person enslaved in the United States. This bill is part of a package of bills introduced by members of the California Legislative Black Caucus who announced in January 2024 the introduction of the 2024 Reparations Priority Bill package. This package consists of a series of bills to implement the recommendations of a task force that was put together by AB 3121 in 2020. This task force was mandated to study and develop reparation proposals for African Americans with special consideration for African Americans who are descendants of persons enslaved in the US and numerous subsequent forms of discrimination based on race. Currently, this bill was double referred to the Senate B&P and Judiciary Committee with a hearing set for June 24<sup>th</sup>.

Mr. Kanotz added the DCA Legal Division does not have a position on this bill, but that the bill raises serious constitutional issues because it contains an explicit racial categorization that would be subject to strict scrutiny.

Ms. McMillian shared that she is happy to see this bill since there is an underrepresentation of African Americans in so many fields and is happy with how the Board is addressing this bill.

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8) AB 3127 (McKinnor) Reporting of Crimes; Mandated Reporting

Ms. Arneson reported that this bill is a new rendition of AB 1027 from last year of this legislative session. AB 1027 was held in the Senate Appropriations Committee. This bill would remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct. It would instead require that a health practitioner make a report when the injury is life-threatening, results in death or is the result of child abuse or elder or dependent adult abuse. Health practitioners in such cases would instead be required to provide brief counseling and a referral to local and national domestic violence or sexual violence advocacy services as specified in the bill language.

Ms. Arneson reported that on June 12, 2024, this bill was passed out of the Senate Public Safety Committee and was re-referred to the Senate Appropriations Committee.

Dr. Brandon stated that she has concerns about this bill because some advocacy services may not always be available, the medical providers are reaching out to law enforcement, or appropriate services is still a way of reducing the risk for people who are at risk for losing their lives to domestic violence or assaults.

Mr. Kaiser added the Board very rarely receives a Law Enforcement issue or disciplinary issue that involves a reporting. Additionally, Mr. Kaiser added each one would be looked at on a case-to-case basis and if the mandatory reporting requirement has been met but there is more than one factor to consider in those situations.

**MOTION:** Move to oppose AB 3127 and draft a letter of opposition

**M/S:** Brandon/McMillian

**VOTE:** McMillian - Aye  
Armstrong – Aye  
Brandon – Aye  
Eleby – Nay

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Qiu – Aye  
Rabena-Amen – Nay  
4 Ayes-2 Noes, Motion Carried

9) SB 1067 (Smallwood-Cuevas) Healing Arts: Expedited licensure Process: Medically Underserved Population

Lastly, Ms. Arneson shared that this bill was amended on June 12<sup>th</sup> and PTBC is now excluded from the provisions of this bill. With the recent amendments, this bill applies to the Board of Behavioral Sciences; Board of Registered Nursing; Board of Vocational Nursing and Psychiatric Technicians; Pharmacy Board; Dental Board; Dental Hygiene, and the Physician Assistant Board. This bill will require these boards to prioritize the review of applicants who demonstrate that they intend to practice in medically underserved areas or serve a medically underserved population. Ms. Arneson stated that this bill is currently in the Assembly Appropriations Committee.

During public comment on the legislative report, Ms. DeFoe brought SB 1451 to the Board’s attention. This bill is related to nurse practitioners and their practice. The language of this bill is concerning, as it prohibits the use of the words doctor or physician, the letter of the prefix doctor, the initials MS or DO, or any other terms or letters. Ms. DeFoe shared that CPTA believes this language is an unnecessary reference to the use of doctors specifically covered in many practice acts and may cause unnecessary confusion. Ms. DeFoe added that CPTA is looking for other coalitions of other professionals to oppose unless amended regarding this language.

(B) **Rulemaking Report**  
2024 Rulemaking Update for Pending or Proposed Regulations  
(1) Update Regarding the Development of Possible Amendments to the Board’s Continuing Competency Regulations

Ms. Arneson presented to the members that for the continuing competency regulations, the Board is currently in the initial phase of the regulatory process where we are researching, collecting data, and working on proposed amendments to the existing continuing competency regulations. The Board anticipates bringing proposed language and amendments for consideration by the Board at upcoming Board meetings once our workload studies and analysis

757 are complete and we are ready to proceed with the initial  
758 rulemaking package.

759  
760 (C) **Communication & Education Update**

761  
762 Ms. Beauchamps reported PTBC provided 9 workshops, 2 were done  
763 in-person and 7 were done virtually. Ms. Beauchamps added that the  
764 goal is to visit every cohort at least once before they graduate.  
765 Additionally, Ms. Beauchamps stated that she is hoping to attend a high  
766 school career fair in the Bay area in October and is working with the  
767 Department of Consumer Affairs (DCA) to see if other boards are  
768 interested.

769  
770 Dr. Rabena-Amen asked what the difference is between cohorts being  
771 visited yearly vs. biennially. Ms. Beauchamps responded that she has  
772 noticed some students who received biennial visits had issues with  
773 applications, test issues, or not understanding when to apply.

774  
775 Mr. Kaiser shared with the members that DCA would like to use the  
776 Board's website as a template to create a uniform standard and to start  
777 with the Board's best practices. Mr. Kaiser added with the help of Mr.  
778 Azar, Ms. Beauchamps, and staff in creating a comprehensive revision  
779 of the board's website, it has been noticed.

780  
781 Ms. Conley shared she sees a positive impact to every program of the  
782 Board and thanks Ms. Beauchamps for her outreach efforts. Ms. Conley  
783 added Ms. Beauchamps shared the update of the California  
784 Jurisprudence Exam on social media; and within an hour of Ms.  
785 Beauchamp's posting, the applications team was getting calls with  
786 questions.

787  
788 **18. Administrative Services Update**

- 789 (A) Program Update  
790 (B) Budget Report

791  
792 Ms. Constancio stated that the Department of Finance issued a budget letter  
793 BL 23-27 directing all the entities under the Governor's direct executive  
794 authority to reduce current year and next year's expenditures to address the  
795 state's General Fund budget deficit. Ms. Constancio added that the budget  
796 deficit impacts PTBC expenditures for new goods and service contracts and

797 thanked the administrative staff for doing such a great job in meeting the budget  
798 letter requirements. Ms. Constancio also thanked the DCA Budget Office,  
799 Business Service Office, and DCA Executive Unit for being so helpful in getting  
800 the Board's request in the approval process.

801  
802 Ms. Constancio shared that the Board has minimized travel to mission-critical  
803 and essential operations, as well as training, which has been limited to job-  
804 required training and is utilizing the DCA's SOLID Unit for the Board's training  
805 needs. Additionally, for any job-required training that is not offered by SOLID,  
806 the requests are being reviewed and will be addressed by going through the  
807 freeze exemption process.

808  
809 Ms. Constancio shared that the Administrative Services Unit recently filled 2  
810 vacant positions: Jessica Barlow for the Office Technician position and  
811 Minhsueh Weng for the Seasonal File Clerk position. She added that recently,  
812 the Administrative Services Unit had a vacancy for Seasonal File Clerk and is  
813 currently recruiting to fill that position.

814  
815 Ms. Constancio shared that the Administrative Services Unit staff has recently  
816 transitioned to SharePoint. Mr. Kaiser added that SharePoint has been a way  
817 for staff to create workflows where information can be accessed in one  
818 centralized location. Mr. Kaiser added that the Administrative Services Unit was  
819 the first unit to learn SharePoint; the next unit to transition to SharePoint is the  
820 Executive Unit, then the Consumer Protection Services Unit, and lastly the  
821 Application Licensing Services Unit.

822  
823 Ms. McMillian asked if the Board has interference with Artificial Intelligence.  
824 Ms. Kaiser answered that there is a state policy that vendors disclose whether  
825 they are using AI in the contracts that are approved. Mr. Kaiser added it would  
826 be nice to have a chatbot when visiting the Board's website where information  
827 can be provided quickly.

828  
829 Ms. Constancio presented the budget report and thanked Ms. Hernandez for  
830 creating the report and writing the statistics. Ms. Constancio added that the  
831 Board is authorized \$7,253,000 this fiscal year to support program  
832 requirements, which includes personnel services, operating expenses, and  
833 equipment.

834  
835 Ms. Constancio shared that for Q3 the Board spent \$1,124,367 and  
836 \$4,930,434 year-to-date and collected \$1,748,482 with a year-to-date  
837 revenue collection of \$6,001,596 with an overall spending projection of  
838 \$6,000,900 and will collect approximately \$7,000,300 year-end. Additionally,

839 the Board is projected at 7.7 months of reserves and 6.8 months of reserves  
840 by FY 24/25; she added that these numbers will change with the close of FY  
841 23/24 in July 2024.

842  
843 Mr. Qiu asked how the Board deals with the budget deficit. Mr. Kaiser answered  
844 that it is established that the Board's budget is aside from its fund that is based  
845 on both historical data and projection data moving forward. Additionally, what  
846 has been shown in the past is that there are also hiring freezes that can be put  
847 in effect and employee furloughs however this is not anticipated that at this  
848 point. Mr. Kaiser added the Board will not have as much discretionary cash and  
849 will not be able to think about progression and will be more about sustainability.  
850 Ms. Constancio added that because the board works off the bottom-line budget,  
851 the Board has the opportunity to address the line item and can move money  
852 around if needed.

853  
854 Mr. Kaiser added that once the Board loses position authority, the Board will  
855 then lose the ability to fill vacant positions, which would expend those  
856 resources, and there is no way to protect the vacant positions.

857  
858 Mr. Qiu asked is the Board able to generate more revenue by increasing fees  
859 or offering continued education? Mr. Kaiser answered that the Board will have  
860 to establish fees for the continuing competency program to fund itself, and that  
861 is a statute authority that the Board already has, and it is just a matter of  
862 promulgating those regulations to establish those fees. Mr. Kaiser added that  
863 promulgation of regulations can take some time and feasibility studies have to  
864 be conducted, but as far as increasing the normal fees, the Board has the  
865 authority to do that within a given range that is granted to the Board by the  
866 legislature. Mr. Kaiser added that right now the board happens to be at its  
867 statutory caps of that range. Additionally, to increase any of those fees, would  
868 require legislation, and aside from that, the only other control the Board has  
869 over revenue are things like cost recovery, and that may not even really be in  
870 the Board's control, where that is a compliance issue. Mr. Kaiser stated that as  
871 a regulatory board, we are not in the business of generating revenue.

872  
873  
874 Ms. Eleby asked about the OPES contract that the Board is entering into and  
875 what line item that would appear under in the expenditure report, and what the  
876 payment terms were for that contract. Ms. Constancio stated that it will come  
877 out of Consultant and Professional (C&P) services internally. Ms. Kaiser added  
878 that the amount is around \$110,000 and is currently scheduled to be taken out  
879 of the next fiscal year's budget.

880  
881 **19. Licensing Services Update**

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

884

885 Ms. Kearney shared that there are a couple of vacancies; however, Ms. Kearney  
886 just welcomed 2 new staff members. Brianda Ferguson, who started in March  
887 2024 and is the analyst for applications on the U.S.-Education Physical  
888 Therapist new grad and coordinates with the Board's existing U.S.-Physical  
889 Therapist new graduate applications, sharing the workload in time for the  
890 graduation season. In addition, Brenda Martinez started in May 2024 and is the  
891 licensing services technician, assisting with the Board's licensing population  
892 regarding questions via phone or email. Ms. Kearney also shared that Mr. Silva,  
893 who was the Board's licensing services technician, was promoted as the  
894 applications analyst for the US Physical Therapist Assistant new graduates. Ms.  
895 Kearney thanked Ms. Rathbun for her training expertise in getting Ms. Ferguson  
896 up to speed, and Ms. Kearny also thanked Ms. Silva, Ms. Teresa Gutierrez, and  
897 Ms. Veronica Gutierrez for helping Ms. Martinez learn her role and thanked Mr.  
898 Row for teaching Mr. Silva the Physical Therapist Assistant applications.

899 Ms. Kearney presented the Licensing Services Statistical Report. Ms. Kearney  
900 shared the examination statistics under the accredited PT program; she stated  
901 that they went down to 78% but are in line with the national average of 78%.  
902 She added that the Jurisprudence exam in California is lower but should improve  
903 dramatically with the new advent of the CalJAM.

904

905 Ms. Kearney added there are currently 2 recruitment vacancies; one is a  
906 continuing competency analyst and the other is an application analyst lead  
907 position.

908

909 Dr. Rabena-Amen shared that the 43% endorsement and 57% exam stand out  
910 to her and that it is almost 50/50. Mr. Kaiser stated that part of that may be from  
911 the capture of time of the data, but that there are a lot of endorsement  
912 applications coming into California. Ms. Kearney added the last couple of weeks;  
913 for example, new graduate applications have averaged about 40 applications a  
914 week, whereas endorsements have usually averaged 22 applications a week.

915

## 916 **20. Consumer Protection Services Update**

- 917 (A) Program Updates
- 918 (B) Statistical Updates

919

920 Ms. Livramento, Enforcement Analyst, shared with the members that Consumer  
921 Protection Services (CPS) staff continues working on various complaint  
922 investigation processes, which include preparing cases for investigation by the  
923 Division of Investigation, preparing cases for review by expert consultants, and  
924 transmitting cases to the Attorney General's Office for disciplinary action. She  
925 added that there are important updates to training dates. In August 2024, there  
926 will be an AG-led training for the Division of Investigation, which will focus on  
927 the Board's investigations and will be provided by John Gatschet, Deputy  
928 Attorney General, and by an administrative law judge. Additionally, on  
929 September 9, 2024, there is an expert consultant training scheduled, which will  
930 be held via Webex. Invitations will be sent to current experts and those selected  
931 from the applications the Board has on file.

932  
933 Dr. Rabena-Amen asked who the training is for regarding the AG lead training  
934 in August 2024. Ms. Livramento answered that all board members and  
935 enforcement analysts are invited and highly encouraged to attend the training.  
936

937 Ms. Livramento shared with the members CPS staff continues to participate in  
938 the telework program, and staff is scheduled to be in the office two days a week,  
939 with all staff being in the office on Wednesdays.  
940

941 Ms. Livramento added that within the unit they currently have 415 cases opened  
942 between the 6 enforcement analysts, with 4 cases opened from 2019, 3 cases  
943 opened from 2020, 14 cases opened from 2021, 54 cases from 2022, 181 cases  
944 from 2023, and 154 cases from 2024.  
945

946 Ms. Livramento presented the statistical report for Q3. Performance Measure 1  
947 shows the number of complaints received over the last two quarters increased  
948 16% over last fiscal year, with a total of 223 complaints received. Additionally,  
949 both consumer complaints and arrest/conviction complaints increased from Q1.  
950 Ms. Livramento stated Performance Measure 3 shows the average case in days  
951 that were closed without referral to the Attorney's General's office for formal  
952 discipline and that the average case age went down 7% in comparison to last  
953 fiscal year. The target for this performance is 180 days, and the current cycle  
954 time is 158 days.  
955

956 Ms. Livramento reported on the disciplinary summary for Q2 and Q3. In these  
957 two quarters, 7 licensees were placed on probation; 2 licensees surrendered  
958 their licenses, and 2 licensees had their licenses revoked by default.  
959



960 Dr. Rabena-Amen wanted to know more about the expert consultant training  
961 and how many applications the Board received, how many the Board wanted to  
962 invite, and how they were screened. Mr. Kaiser answered that the selection  
963 process can vary, where there are some underserved areas where the Board  
964 will need experts for a specific demographic due to the cost for the Board of an  
965 expert to travel, which does give an expert priority. Ms. Phelps shared applicants  
966 are notified when applications are received along with letting the applicant know  
967 there is no current scheduled training, but when there is one, they will be  
968 notified. Ms. Phelps added they look at the list to see if there are any specialties  
969 that the Board may need or if there are any specific locations where the Board  
970 may not have enough experts serving but the Board would like to have as many  
971 additional experts as the Board is allowed.

972  
973 Mr. Kaiser shared with the members that the CPS procedure manual has been  
974 drafted so well, other boards have asked to see it.

975  
976 **21. Probation Monitoring Services Update**

- 977 (A) Program Update  
978 (B) Statistical Reports

979 Mr. Martin reported that at the end of Q3, there were a total of 75 licensees on  
980 probation for various causes. Mr. Martin added that besides the 57 licensees  
981 on probation and actively working in the state of California, an additional 7 out-  
982 of-state probationers are tolling or not receiving credit for completion of  
983 probation because they are out of state, and 11 in-state probationers are tolling  
984 due to unemployment or underemployment. Additionally, 4 other licensees  
985 were placed on probation, and 2 licensees completed probation successfully.

986  
987 Ms. Martin added that of the 57 licensees that are not tolling, 10 were enrolled  
988 and participating in the Board substance abuse rehabilitation program. At the  
989 end of the quarter, it equaled about 18% of all the licensees in the state on  
990 probation.

991  
992 Mr. Martin added there were 3 licensees enrolled in Maximus in Q3, and 0  
993 licensees successfully completed the program. Additionally, there were 2  
994 instances of major non-compliance with probation and 6 instances of minor  
995 violations, which were handled by sending warning letters to the offending  
996 licensees.

997  
998 Dr. Rabena-Amen asked about the two instances of major non-compliance and  
999 how they were addressed. Mr. Martin responded that one was a petition for  
1000 revocation and the other was a violation of the substance abuse rehabilitation  
1001 program that did not reach the level of revocation. Mr. Martin expanded on how

1002 a minor violation can be sending in quarterly reports late or missing a scheduled  
1003 interview.

1004  
1005 **22. Public Comment on Items Not on the Agenda**

1006  
1007 The Board requested public comment on items not on the agenda, and there  
1008 was no public comment.

1009  
1010 **23. Agenda for Future Meeting September 13-14, 2024**  
1011 **Sacramento, CA**

1012  
1013 Dr. Rabena-Amen asked for a discussion on dry needling.

1014 **24. Adjournment**

1015  
1016 The meeting adjourned at 1:48 p.m. on June 14, 2024.

1017  
1018