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Board Members

President

Tonia McMillian

Vice-President

Dayle C. Armstrong, PhD., P.T., MS, DPT

Members

Karen Brandon, DSc P.T.

Katarina Eleby, M.A

Samuel Qiu

Alicia Rabena-Amen, PT, DPT

Vacant, PT, DPT

**Physical Therapy Board of California
Draft Adopted Meeting Minutes**

December 5-6, 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.

5

6

Thursday, December 5, 2024

7

8

1. Call to Order

9

10 The Physical Therapy Board of California (Board) meeting was called to order
11 by President McMillian at 9:04 a.m. and went into closed session at 1:43 p.m.
12 and recessed at 2:08 p.m.

13

14

2. Roll Call and Establishment of Quorum

15

16

McMillian - Present

17

Armstrong- Absent

18

Brandon - Present

19

Eleby – Absent

20

Qiu- Present

21

Rabena-Amen - Present

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23

24

25 All Members except for Dr. Armstrong and Ms. Eleby were present, and a
26 quorum was established. Also present at the meeting were: Michael Kanotz,
27 PTBC Legal Counsel, Sarah Conley, Assistant Executive Officer; Brooke
28 Arneson, Legislation and Regulation Manager; Carole Phelps, Enforcement
29 Manager; Valerie Kearney, Licensing Manager; and Board staff: Kim Rozakis,
April Beauchamps, Vincent Azar.

30
31 **3. Reading of the Board's Mission Statement**

32 Dr. Brandon read the Board's mission statement: To advance and protect the
33 interests of the people of California by the effective administration of the
34 Physical Therapy Practice Act.
35

36
37 **4. Closed Session**

- 38
39 (A) Pursuant to Government Code section 11126(c)(3), the Board will
40 convene to Deliberate on Disciplinary Actions and Decisions to be
41 Reached in Administrative Procedure Act Proceedings.
42
43

44 **5. Review and Approval of September 17-18, 2024, Meeting Minutes**

45
46 Ms. Rozakis presented the draft meeting minutes for September 17-18, 2024.
47 The Board reviewed the minutes and made no changes.
48

49 **MOTION:** Adopt the September 17-18, 2024, Meeting Minutes.

50
51 **M/S:** Brandon/Rabena-Amen
52

53 **VOTE:** McMillian - Aye
54 Armstrong- Absent
55 Brandon - Aye
56 Eleby – Absent
57 Qiu - Aye
58 Rabena-Amen - Aye
59 4-0 Ayes, Motion Carried
60

61 **6. President's Report**

- 62
63 (A) 2024 Adopted Meeting Calendar
64

65 Mr. Kanotz, Legal Counsel thanked the Board for being accommodating
66 with his schedule.
67

68 No changes were made to the 2024 Adopted meeting calendar.
69

(B) 2025 Proposed Meeting Calendar

Dr. Brandon asked how often the Expert Consultant training is given. Mr. Kaiser answered the Board would like to hold the training one time a year, rotating the location from Northern California and Southern California.

Mr. Kaiser added there may be a possibility that the Board will have a hybrid meeting in 2025; potentially, the University of the Pacific, Stockton, will be the first hybrid meeting.

MOTION: Adopt the Proposed 2025 Meeting Calendar

M/S: Rabena-Amen/Brandon

VOTE: McMillian - Aye
Armstrong- Absent
Brandon - Aye
Eleby – Absent
Qiu - Aye
Rabena-Amen - Aye
4-0 Ayes, Motion Carried

7. Executive Officer's Report

(A) Executive Services

Mr. Kaiser shared with the Board he was not able to attend the September 2024 Board Meeting and received a lot of positive feedback, and other schools are wanting to engage in meetings.

Mr. Kaiser reported that there was a Subject Matter Expert (SME) Workshop given by Professional Examination Services' (OPES) on December 5th, 2024, and December 6th, 2024. Mr. Kaiser thanked Ms. Arneson, Ms. Rozakis and Ms. Conley for coordinating this workshop.

(B) Administrative Services

Mr. Kaiser provided an update on the budget. The Board is currently working under the Department of Finance issued Budget Letters 23-24 and 23-27 which anticipated significant general fund deficit in fiscal year (FY) 2023-24 and 2024-25 moving forward. As of now, the Board has not had to surrender any position authority. The Board currently has two vacancies: one an Administrative Services Analyst and a Continuing Competency Analyst. The Board is actively and urgently trying to fill these vacancies.

Mr. Kaiser reported there is still one Board member vacancy, there have been several Board member appointments made in the last few months with other Department of Consumer Affairs (DCA) Boards such as Board of Barbering and Cosmetology, Contractor State Licensing Board, Acupuncture Board, Physician Assistant Board and Osteopathic Medical Board of California. Mr. Kaiser added the Governors Appointment Secretary is aware of the Board's current vacancy.

(C) Licensing Services

Mr. Kaiser reported there has been a prediction of increased Physical Therapy Assistant (PTA) applications as a result of an increase in the number of PTA programs.

(D) Consumer Protection Services

Mr. Kaiser reported recently that Ms. Phelps organized two trainings, one in August for DCA Department of Investigation (DOI) Investigators and one in September for PTBC Expert Consultants. He stated that additionally, two of the Enforcement Analysts completed the Council on Licensure, Enforcement, and Regulation CLEARs National Certified Investigator and Inspector Training (NCIT) course.

Mr. Kaiser shared that Ms. Phelps filled the last CPS vacancy at the Board and welcomed Mr. Heaton as the newest CPS analyst. Mr. Heaton will be responsible for case review and investigation up to and including the issuance of citations for consumer complaints, adverse actions, malpractice reports, and conviction cases.

Mr. Kaiser added that with outreach there were seven presentations to PT and PTA programs, and staff attended CPTA's Annual Conference in September that was held in Burlingame, CA. Additionally, the third week of October was the busiest outreach has ever been in that week alone, the Board did five presentations. Two of the presentations were to high school students; one was at Antioch School District's College and Career Fair, and the second was at Arthur A. Benjamin Health Professions High School.

Ms. McMillian expressed she is very happy and appreciates the Board presenting and providing outreach to high school students.

Dr. Brandon shared she really likes the idea of other boards working together with high school students and asked if there will be additional opportunities to work with CPTA. Mr. Kaiser responded that the Board is open to any collaboration, and the Board has collaborated with CPTA in the past.

8. Executive Services Update

(A) Legislation Report

2023/24 Legislative Session Summary

Ms. Arneson stated that the Board is approaching the end of the two-year legislative session. There were nine bills that remained on the Board's watch list going into the final part of the session. Of those nine bills, five died, two were vetoed, and two were chaptered and will go into effect January 1, 2025.

1) AB 796 (Weber) Athletic Trainers

Ms. Arneson stated this bill was chaptered on September 29, 2024. This bill is a title protection bill which prohibits a person from identifying themselves to others as an athletic trainer, or from using titles such as certified athletic trainer, licensed athletic trainer, or registered athletic trainer, or other terms to imply or suggest that the person is an athletic trainer, unless they meet prescribed requirements, including that the person is certified by the Board of Certification for the Athletic Trainer.

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

Ms. Arneson reported this bill did not pass out of the Senate Business and Professions and Economic Development Committee and is dead. This bill would have authorized a licensed PT who meets requirements by the Veterinarian Medical Board to provide animal rehabilitation to an animal patient if certain requirements are met; including that the animal physical rehabilitation is performed on premises registered with the VMB and that the PT works under the supervision of a licensed veterinarian who has established veterinarian-client-patient relationship with the animal.

Mr. Kaiser shared he does anticipate this bill to be reintroduced in the next legislative session.

3) AB 1991 (Bonta) Licensee and Registrant Records

Ms. Arneson reported this bill was chaptered on September 22nd, 2024. This bill requires a licensee or applicant who electronically renews their license or application to provide their Individual National Provider Identified (NPI) number if they have one at the time of renewal or registration. The implementation for AB 1991, DCA'S Office of Information Services, will be making the necessary changes to the HCAI survey to implement the provisions of this bill on behalf of all DCA's Boards and Bureaus.

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

Ms. Arneson reported that this bill was held in the Senate Business and Professions Committee and is dead. There were some suggested amendments and policy implementation concerns identified by the committee to be addressed. This bill would have revised requirements for public members of any Board within DCA related to business relationships with a licensee of that Board. This bill would also have removed exemptions if the relationship with a licensee constituted no more than two percent of the practice or business of the license.

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

Ms. Arneson reported this bill is dead as it was held in the Senate Appropriations Committee. This bill would have authorized a licensed PT to certify a person's disability for purposes of applying to the DMV for issuance of a disability placard, license plate or temporary disability placard. A significant fiscal impact was identified by the DMV and there were quite a few concerns as well from the DMV regarding IT implementation challenges within their existing IT systems as the DMV is currently in the process of an expansive multi-year effort to modernize their IT systems.

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

Ms. Arneson reported the Board took a support position at the June meeting, but that the bill was vetoed on September 27th, 2024. The bill would have created a pathway for a school based occupational therapist or a school based physical therapist to obtain a credential that would allow them to pursue administrative and leadership positions in schools. The pathways for these licensed professionals can be created at the local level, through human resources and collective bargaining. As a more appropriate statewide approach, the CTC could create at least two administrative services pathways; one for teachers, and one for other credential or license holders without a teach preparation background.

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

Ms. Arneson reported this bill was held in the Senate Business and Professions Committee and is dead. This bill would have required Boards to prioritize African American applicants seeking licensure, especially applicants who are descended from a person enslaved in the United States. There were implementation and clarity challenges with this bill that were identified in the Fiscal and Policy Committees. Some of these challenges included many of DCA's programs lack authority to request an applicant's race, which may prevent this bill from being implemented; also, clarity was suggested in the bill language on what is meant by prioritizing applicants' vs expediting applicants and what documentation would be required to establish eligibility for prioritization or expedition of licenses. In addition, the

Assembly Appropriations Committee identified a \$1.04 million fiscal impact for the implementation of this bill to many of DCA's programs and additional one-time costs for DCA's Office of Information Services.

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

Ms. Arneson reported this bill is dead as it was held in the Senate Appropriations Committee. The Board took an opposition position at the June meeting and a copy of this opposition letter is on page 59 of the meeting materials. This bill would have narrowed the circumstances in which a health practitioner must make a report to law enforcement because they suspect a patient has suffered physical injury that was caused by assaultive or abusive conduct. A significant fiscal was identified for this bill possibly in the hundreds of thousands, to local public health departments, local government agencies, and clinics or other types of facilities operated by a local health department to provide brief counseling and education and offer a warm handoff or referral to local and national domestic violence or sexual violence advocacy services. In addition, training and policy updates could be required, which would be an increase in the fiscal as well.

Ms. Arneson stated this bill is similar to AB 1028 (McKinnor) in 2023 and AB 2790 (Wicks) in 2022, both of which were held in Senate Appropriations Committee. This bill is narrower than either of those bills by continuing to require reporting when a wound or physical injury is life threatening and caused by the use of nonaccidental violence by another.

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

Ms. Arneson reported this bill was vetoed on September 27, 2024. This bill would have required specific Boards within DCA (excluding PTBC) to expedite applicants who will be serving in medically underserved areas or underserved populations.

(B) Rulemaking Report –

2024 Rulemaking Update for Pending or Proposed Regulations

303 1) Update Regarding the Development of Possible Amendments to
304 the Board's Continuing Competency Regulations
305

306 Mr. Arneson provided the members a flow chart that was provided by
307 DCA's Regulatory Unit. The flow chart depicts the four stages of the
308 regulations process.

309 Ms. Arneson reported the Board is in the first phase of the continuing
310 competency regulation, which is the concept phase. This phase
311 includes researching, data collecting, and working on proposed
312 amendments to the existing continuing competency regulations. Ms.
313 Arneson shared the Board is anticipating bringing proposed language
314 and amendments for consideration by the Board at the March 2025
315 Board meeting.
316

317 **(C) Discussion and Possible Board Action on the 2025 Rulemaking**
318 **Calendar**
319

320 Mr. Arneson reported the board will not be reporting any proposed
321 rulemaking under Schedule A.
322

323 Ms. Arneson presented that the board will be proposing to include the
324 continuing competency regulations and is anticipating those to be two
325 separate regulatory packages under Schedule B.
326

327 Ms. Arneson added the first package will address proposed amendments
328 to the board's existing continuing competency regulations, with a project
329 adoption date of December 2025, a projected public notice date of March
330 2026, and a projected Office of Administrative Law (OAL) for review date
331 of September 2026.
332

333 Mr. Arneson shared the second package will address continuing
334 competency approval agency fees. The projected adoption date by the
335 Board is December 2025, a projected public notice date is March 2026,
336 and a projected OAL review date is September 2026.
337

338 Ms. Arneson added the projected dates are subject to change and are an
339 estimate of time.
340

Dr. Rabena-Amen asked if staff anticipates completing both packages at the same time. Mr. Kaiser responded that work will be completed on both packages at the same time; however, they would be submitted separately. Mr. Kaiser wanted to emphasize that the schedule is projected dates, and they are subject to change.

MOTION: To adopt the 2025 Rulemaking calendar as required by Government Code (GC) § 11017.6. 614

M/S: Rabena-Amen/Qiu

VOTE: McMillian - Aye
Armstrong- Absent
Brandon - Aye
Eleby – Absent
Qiu - Aye
Rabena-Amen - Aye
4-0 Ayes, Motion Carried

(D) Communication & Education Update

Ms. Beauchamps presented the outreach report. Ms. Beauchamps reported that in Quarter 1, the Board provided seven outreach workshops and attended the 2024 Annual California Physical Therapy Association (CPTA) Conference on September 21-22, 2024.

Ms. Beauchamps shared that during the current quarter (Q2), the Board has started providing outreach to high schools. The Board was invited to a career fair in Antioch, California, on October 22, 2024, and October 23, 2024. The Board had the opportunity to visit Aurthur A. Benjamin Health Professions High School, and on November 13, 2024, the Board attended a career fair at Luther Burbank High School.

Dr. Rabena-Amen asked if there will be any discussion on the FSBPT website audit tool. Mr. Kaiser responded in January 2025; he will release it to members as a homework assignment, but they would also look at other stakeholder groups to see different perspectives in the audience and if changes in a positive way are needed.

381 **9. Consumer and Professional Associations and Intergovernmental**
382 **Relations Reports**

383 (A) Federation of State Boards of Physical Therapy (FSBPT)
384

385 Mr. Kaiser reported that Dr. Brandon and Mr. Qiu attended the Delegate
386 Assembly and Annual Education meeting in October. Mr. Kaiser added
387 that it was a great meeting, and a lot of content was provided timely,
388 including Artificial Intelligence (AI) courses and how it will be applied in
389 society.

390
391 He stated that additionally, there is an opportunity for members to serve
392 on certain committees at FSBPT. Currently, Mr. Kaiser serves on the
393 Education Committee, the Sexual Boundaries Task Force, and following
394 the annual meeting, Mr. Kaiser now will be the co-chair of the Council of
395 Board Administrators.

396
397 Mr. Kaiser shared that on November 6, 2025, the Sexual Boundaries
398 Task Force Committee provided a webinar for resources to students, the
399 first time FSBPT had education training targeted towards students. This
400 training was well received, with 500-600 students attending online.

401
402 Dr. Rabena-Amen shared that her time serving on FSBPT committees,
403 was incredibly enriching. Dr. Rabena-Amen served as chair on the
404 Foreign Educated Standards Committee.

405
406 Dr. Rabena-Amen shared that serving on FSBPT Committees helps the
407 members understand regulations in other states and how things are
408 done and understand why things are done a certain way at the Board.

409
410 Dr. Brandon shared that attending the Delegate Assembly and Annual
411 Education meeting was incredibly valuable and gave her insight on other
412 states.

413
414 Mr. Qiu shared he enjoyed the Delegate Assembly and Annual
415 Education meeting and how many different topics were related to AI—
416 which is used in exams, clinical assessments, and competency
417 evaluations. Mr. Qiu found these topics to be advanced but necessary.
418

Mr. Kaiser added that the next Annual Education meeting will be in October 2025 in Spokane, Washington. FSBPT would like not to just include the delegate and alternate delegate but also investigators or expert consultants with the boards and board legal counsel. Mr. Kaiser added that participation will be dependent on the budget status.

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

Ms. Gear, DCA Deputy Director for Board and Bureau Relations, shared that the Governor's office is aware of the current vacancy of a board member and is actively recruiting and is aware of the upcoming two vacancies in 2025 due to Ms. Eleby and Dr. Rabena-Amen terming out.

Ms. Gear gave an update on the Form 700: effective January 1, 2025, board members must file Form 700 through the Fair Political Practice Commission (FPPC) electronic filing system; filing will no longer be filed via the net file portal, and paper files will no longer be accepted. Additionally, the Governor signed AB 1170 (Chapter 211, Statutes of 2024). She shared that effective January 1, 2025, AB 1170 requires that Form 700 be filled out by a public official or board member whose filing officer is the commission and must be filed electronically with the FPPC; the FPPC will email board members a welcome email with logging credentials by December 31, 2024. Filers can continue to use the Net File portal before January 1, 2025.

Ms. Gear shared an update on the Diversity, Equity, and Inclusion (DEI) Steering Committee. They met on October 25, 2024, and elected Mr. Vargas as Chair and Mr. McManis as Vice Chair; they are looking forward to accomplishing many DEI initiatives under their leadership.

Ms. Gear shared DCA is updating its current unveiling of unconscious bias training to board members and their critical roles and how unconscious bias can affect their decision-making authority. This training will be self-paced and available in DCA's Learning Management System (LMS), available in early 2025, and board members will be required to complete it annually. Ms. Gear wanted to remind the members DCA offers over twenty online DEI training courses on LMS;

these courses are not mandatory but strongly encouraged to complete these trainings.

Ms. Gear stated DCA hosted a second live Military Licensing Resources webinar on November 21, 2024, to share information about military licensing resources available to members of the military, their spouses, and domestic partners. This webinar featured a demonstration of DCA's Federal Professional license portal and state registration process and a question-and-answer session.

Ms. Gear shared DCA is honored to join in the annual charity campaigns. On November 13, 2024, DCA held a turkey drive, collecting over two thousand pounds of food, including one hundred and ten turkeys, to help local families in need to celebrate Thanksgiving and feed their families. Donations collected were available to families during Joey's Food Locker on November 22, 2024. Ms. Gear added in 2023 DCA was part of the reason why seven hundred and sixty-nine families or three thousand three hundred and fifteen people celebrated Thanksgiving and fed their families; DCA was excited once again to make a difference in the lives of others and to support the community. DCA this year will place boxes at various offices to collect non-perishable food items directly benefiting a local food bank. Additionally, every year, the Our Promise Campaign initiates a giving at work campaign for state employees.

Ms. Gear also addressed the California State Employees Charitable Campaign. State employees and Board members, have the opportunity to support the nonprofit causes they are passionate about through payroll or one-time donations. This year's campaign launched on November 18, 2024, and runs through December 31, 2024. It is led by Monica Vargas, Deputy Director of Communications, and Karen Navarro, Assistant Deputy Director.

Dr. Rabena-Amen asked how the Military Licensing Resources webinar was received. Ms. Gear answered it was well attended and appreciated and had interest to have another webinar.

Dr. Brandon asked what the average vacancy rate is for Board

494 members. Ms. Gear answered it is hard to say, due to shift in priorities
495 that come up for DCA and the Governor Office.

496
497 Ms. McMillian asked where a person can apply to become a Board
498 member. Mr. Kaiser answered, www.gov.ca.gov is the Governor's
499 website, there is a tab that says, "Join the Administration", for the
500 Assembly and Senate appointments those are more difficult to come by.

501
502 (C) California Physical Therapy (CPTA)

503
504 Ms. Island, representative of CPTA, reported on Nevada base Bill, SB
505 78. This bill is to consolidate their Nevada Physical Therapy Board,
506 Nevada Chiropractic Physicians Board, State Board of Oriental
507 Medicine, Board of Occupational Therapy, Board of Athletic Trainers,
508 and Board of Massage Therapy. In SB 78 language, there aren't any
509 provisions that address the components of practice related to each
510 profession. CPTA is concerned and will look into this further.

511
512 Ms. Island shared that the CPTA board of directors recently adopted
513 draft legislation language post-election that relates to modernizing the
514 California Physical therapy Practice Act and is looking for an author to
515 sponsor it, and if successful, CPTA hopes to introduce the legislation the
516 first of the year. CPTA will continue to work with the Board and share
517 draft language and encourages the Board's support in this legislation. If
518 the Board is interested in reviewing any of CPTA's supporting
519 documentation, there is an electronic version that can be provided to the
520 Board.

521
522 Ms. Island reported CPTA will be hosting a virtual webinar, that will
523 include 2025 employment and practice law updates, on December 11,
524 2024, from 6:00 p.m. to 8:00 p.m. CPTA legal counsel and Ms. Island
525 will be presenters of this webinar.

526
527 Lastly, Ms. Island stated that the 2025 CTPA annual conference is
528 scheduled for September 20 through September 21, 2025, in Palm
529 Springs. The venue will be smaller, but CPTA extends an invitation to
530 the Board.

531

532 Dr. Rabena-Amen asked if there will be opportunities for the Board to
533 look at CPTA's draft legislation. Mr. Kaiser answered once CPTA
534 releases the draft document to him; he will then release the draft
535 documents to the members. Mr. Kaiser added that depending on the
536 decision-making of the board president, the board may have this as a
537 possible discussion on a board action agenda. Dr. Rabena-Amen added
538 she appreciated the collaboration with CPTA. Mr. Kanotz recommends
539 the Board itself not look at the draft legislation until the bill is introduced.

540
541 Dr. Rabena-Amen asked will the Employment and Practice Law
542 Updates webinar count as two hours of ethics. Ms. Island answered yes,
543 the webinar will count as two hours of ethics or laws.

544
545 **10. DCA Budget Office – Presentation of Services**

546 Mr. Vue, DCA Budget Analyst and Mr. Balkis, DCA Budget Analyst Manager
547 presented the budget process.

548
549 Mr. Qiu asked, once the budget is adopted, will the budget office issue a letter
550 to make budget adjustments in the May revision to the Governor's Budget? Ms.
551 Balkis answered that when the information in the budget letter from the
552 Department of Finance comes out, the budget office will consider and revise the
553 updated appropriation. Mr. Kaiser added there is a structured midway point that
554 is expected in every budget year in the May revision, but there may be emergent
555 situations where budget letters can be drafted past the May revision. The May
556 revision is expected every year to make adjustments to the Governor's Budget
557 filed by January 10th of each year.

558
559 Mr. Qiu asked if the Board is able to move line items. Mr. Kaiser answered the
560 Board would have to make a specific request to Budget office and Department
561 of Finance for approval to deem if that move is appropriate.

562
563 Mr. Kanotz shared the Budget Act will have all the different lines of
564 appropriations for all state agencies and contains statutory language that allows
565 the Department of Finance to make changes within a certain dollar amount
566 throughout the year to allow budgets to decrease or increase if necessary. Mr.
567 Kanotz added the Board relies on fees from licenses as opposed to general tax
568 dollars and other revenue from realignment or federal funds.

569
570 Mr. Kaiser added the budget display that was provided is an accurate
571 representation of how money is spent; there are not too many reds in different

categories, but there are other line items the Board is under-expending that can be utilized for those costs. The Board reverts from 5% to 13% of the Board's budget annually.

Ms. McMillian asked what services are included in pro-rata and how it is calculated. Ms. Balkis answered that services that are included are human resources, facilities, budgets, contracts, accounting, training, outreach, call center support, and legal services. The calculation is based on authorized positions and usage on how many calls the call center is receiving and DOI on how many cases they are working on.

Dr. Brandon inquired about more information about call center costs. Mr. Kaiser shared participation is different from board to board; some boards utilize call centers for all public-facing communications due to high volume calls, but the Physical Therapy Board of California (PTBC) does not rely on call centers but on PTBC staff. However, there is a small portion of calls to the call center where some consumers do not know how to contact PTBC directly.

Mr. Kaiser thanked DCA Budget office and DCA Budget staff for their services.

11. Public Comments on Items Not on the Agenda

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

12. Recess

The Board entered into closed session at 1:43 p.m. and recessed at 2:08 p.m.

Friday, December 6, 2024

13. Call to Order

The Physical Therapy Board of California (Board) meeting was called to order by President Ms. McMillian at 9:03 a.m. and adjourned at 3:08 p.m.

14. Roll Call and Establishment of Quorum

McMillian - Present

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

All Members were present except Dr. Armstrong and Ms. Eleby, 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 Vincent Azar.

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. DCA Division of Investigation – Presentation of Services

Ms. Nicholls, DCA Chief of Division of Investigation and Ms. Kendrick, DCA northern Ara California Commander, presented an overview of the Division of Investigation (DOI) and services that are provided to the Board.

A member of the public asked if DOI is an extension of the Department of Justice (DOJ). Ms. Nicholls responded that DOI is completely separate from DOJ; DOI is housed under the Department of Consumer Affairs (DCA), and DOJ is a separate agency.

A member of the public asked, how can someone get into this line of work? Ms. Nicholls answered that recently there has been a change in the minimum qualifications. Previously, it was required to have a criminal justice degree and/or experience; now the requirement has changed to any 4-year degree. Ms. Nicholls added DOI is also sponsoring candidates through the police academy.

Dr. Brandon asked, how many boards does DOI cover? Ms. Nicholls answered in the Investigation and Enforcement Unit (IEU) that handles physical therapy board cases that there are 36 boards and bureaus within DCA and the Healthy Quality Investigation Unit (HQIU); they handle only cases for the Medical Board

650 of California, Podiatric Medical Board of California, Physician Assistance Board,
651 and Osteopathic Medical Board.
652

653 Dr. Brandon asked, once a complaint comes in, do all DCA boards have a
654 similar process? Ms. Nicholls answered all the boards follow the same process:
655 there is an intake unit, screens the cases, there are weekly and sometimes
656 monthly meetings, and whatever the boards need to keep that triage.
657

658 Mr. Kaiser asked if Ms. Nicholls can describe the difference between PTBC's
659 specific mandates when it comes to investigations. Ms. Nicholls responded each
660 board does have its own different nuances, and one of the differences with
661 PTBC is very early on investigators work with PTBC staff.
662

663 Dr. Rabena-Amen asked, what does it look like when DOI arrives at the site?
664 Ms. Kendrick responded there is a lot of communication between board staff to
665 coordinate with an expert to go in with DOI unannounced, letting the site know
666 who they are and what DOI will be doing. The board's expert will handle
667 reviewing all the patient records while DOI investigators interview staff with a lot
668 of collaboration with the expert and DOI investigators. At the end of the visit, the
669 board's expert will write up their report with patient information from any records
670 they have reviewed that the board will need to evaluate to determine whether
671 there is misconduct or conjunction with DOI's statements that they have
672 received. DOI will then submit their report back to the board, and the expert will
673 make the final determination. Dr. Brandon asked, what is the jurisdiction? Ms.
674 Kendrick answered that in the Practice Act it allows for open inspection of
675 records, especially by the expert of the board; DOI investigators do not have
676 authorization to do so as sworn officers to review those records. Mr. Kaiser
677 added that sometimes the site visit is unannounced, and depending on the case,
678 the Board will let them know DOI will be coming.
679

680 A member of the public asked, when there is a site visit, is the clinic allowed to
681 maintain their normal business? Ms. Kendrick answered it depends on the
682 allegation; for example, if someone is alleged to be practicing under the
683 influence or narcotics, that may disrupt service due to DOI needing to do a drug
684 test. DOI tries to be undistruptive as much as possible when doing the site visit.
685 Mr. Kaiser added the site visit almost always is preliminary in the investigation,
686 trying to keep it low profile as much as possible, but circumstances can change
687 that.
688

689 Dr. Rabena-Amen asked if your facilities are being investigated; are your
690 records also fair game to be looked at? Ms. Kendrick answered all records are
691 open to inspection; whatever records are maintained at the facility are open to
692 inspection.

693
694 **17. Administrative Services Update**

695 (A) Program Update

696 (B) Budget Report

697 Mr. Kaiser shared the Board is continuing to work under the directive of the
698 Department of Finances issued budget letters 23-27; DCA has been helpful
699 with the Board to meet operational needs. Additionally, training has been
700 limited due to those budget letters to only required trainings only and utilizing
701 DCA's SOLID unit for the board training needs. Mr. Kaiser added there are a
702 few board members who have outstanding training requirements but will be
703 discussed at a later date.

704
705 Mr. Kaiser reported for Quarter 1 that the Board currently has two vacancies:
706 Administrative Services Analyst and Continuing Competency Analyst. The
707 Board also made one appointment on September 16, 2024, in the
708 Administrative Services, Ashley Merino. Ms. Merino will assist the Board on
709 efforts to go paperless and maintain the Board's electronic files.

710
711 Mr. Kaiser stated Mr. Azar has conducted an audit on all the Board's assets
712 and is now finalizing that survey. Mr. Azar is also surveying old and obsolete
713 equipment. Mr. Kaiser added Ms. Constancio would like to thank Mr. Azar and
714 Ms. Merino for all their help on this project.

715
716 Mr. Kaiser reported the Board is current in meeting its American's Disability
717 Act (ADA) compliance requirements both on documentation and on the
718 Board's website.

719
720 Mr. Kaiser added Administrative Services Unit and Executive Unit are non on
721 SharePoint, Mr. Azar is currently working with the Enforcement Unit and
722 Continuing Competency Unit to transition to SharePoint.

723
724 Mr. Kaiser shared Ms. Merino will be working on scanning, recording, and
725 purging the Administrative Services Units file and following the retention
726 schedule. Once Ms. Merino completes this, she will then move on to the
727 Executive Units record maintenance and the next units.

728
729 Mr. Kaiser shared the board is authorized a \$7.2 million budget this fiscal year
730 to support program requirements, which included personnel services,
731 operating expenses, and equipment. There was a small decrease of about
732 \$30,000 in the Board's authority due to the decrease of the Board's authority
733 over the past 2 fiscal years to cover the initial cost of the Board's 2 budget
734 change proposal (BCP) positions within Application and Licensing that total

comes out to \$267,000 for FY23/24 and \$251,000 for FY24/25 and ongoing. For Quarter 1 expenditures, the Board spent \$2.1 million compared to revenues collected at \$2.5 million. Mr. Kaiser added from the September 2024 board meeting that Mr. Qiu asked why the initial licensing fees had decreased from the previous year. Mr. Kaiser answered it depends on a graduating class and when the graduating class hits.

Lastly, Mr. Kaiser reported the Board's fund is currently projected at 8.2 months reserve and 7 months reserve by FY 25/26, but those numbers may change when closing out FY 24/25 and reassessed every November.

Dr. Raben-Amen asked if Mr. Kaiser can explain what the ADA website offers for users. Mr. Kaiser answered that any publications that are put out onto the internet have to be accessible to those who are vision impaired; those documents are text recognizable, where someone is able to read that same document to somebody who may have a vision impairment. Mr. Kaiser added that with the help of Mr. Azar, each unit is tasked with ensuring those documents are ADA compliant before they are posted to the website, and the Department of Consumer Affairs Office of Information Services does an audit to check if any documents slip through. Mr. Kanotz added recently that litigation has established that accessibility is required. Mr. Kaiser shared on the Board's website there is an accessibility page where there is a point of contact that will help with any requests.

Dr. Rabena-Amen mentioned on the briefing paper there is no mention of the fund condition. Mr. Kaiser answered the fund display that is provided to the Board by the DCA Budget Office depending on when the Board is having the Board meeting; sometimes it is available for publications for materials, but the Board does not have the fund condition yet, but by the March 2025 meeting there should be a more current display of the fund condition. Mr. Kaiser added the fund condition is currently at 8 months but moving to 7 months fund condition for FY 25/26.

Dr. Rabena-Amen asked Mr. Qiu if there is something or some display that may help Board members. Mr. Qiu answered the reserve is the balance sheet, and having an 8- to 7-month reserve is really healthy.

18. Licensing Services Update
(A) Program Updates
(B) Statistical Reports

Ms. Kearney shared Andrew Caton has joined the Application Services Unit on October 14, 2024. Mr. Caton will be processing US new graduate PT applications.

Ms. Kearney presented the initial processing time was at 30 days; 30 days is the actual time the Board is responsible to complete. The most common delay of application processing time is fingerprinting or the inability to pass one of the exams. Mr. Kaiser shared that when the applicant submits their application with as few deficiencies as possible, the timelier the application will be turned into a license. Mr. Kaiser added there is a 90-day period from an initial point of receiving the application on average to the license being issued; of that time frame, the responsibilities the Board can identify the application being with the Board is 30 days. The other 60 days are deficiencies that were in the application when it was submitted by the applicant or the delay or availability of when the National Physical Therapist Exam (NPTE) can be taken.

Ms. Kearney shared she has added the Jurisprudence Assessment Module (CAL-JAM) and National Law exam for comparison on the examination statistics report. The California Law Exam (CAL Law) is still on the examination statistics report due to 22 candidates taking the CAL Law Exam in July 2024 and another 8 candidates taking the CAL Law Exam in August 2024; they all decided not to transition the CAL-Jam. Next fiscal year, the Cal Law Exam will be removed from the examination statistics report.

A member of the public asked, what are the top 3 common mistakes applicants make on the application that delay the process? Ms. Kearney answered that since the application is online, applicants have to answer questions, but the problem can be anything from fingerprint issues to not including their photos or a copy of their live scans. Mr. Kaiser added that through the software system at the point of application, applicants are given the opportunity to upload some of these documents.

MOTION: Move to terminate the Approval Agency recognition from Cynergery Education Seiminars, LLC as reasonable opportunity was given for Agency to respond.

M/S: Brandon/Rabena-Amen

VOTE: McMillian - Aye
Armstrong- Absent
Brandon - Aye
Eleby – Absent

818 Qiu - Aye
819 Rabena-Amen - Aye
820 4-0Ayes, Motion Carried

821

822

823 **19. Consumer Protection Services Update**

824 (A) Program Updates

825 (B) Statistical Updates\

826 Ms. Phelps welcomed Jim Heaton to PTBC. Mr. Heaton joined PTBC in
827 November 2024 as an enforcement analyst. The Consumer Protection
828 Services is fully staffed, with no vacancies. Mr. Kaiser added that even though
829 Consumer Protection Services is fully staffed, it may be time to reassess
830 whether that staffing level is appropriate and maybe look at BCP in the next
831 year's session.

832

833 Ms. Phelps reported that in Quarter 1 there were two major trainings, the first
834 of which was for DOI investigators. Attendees included DOI investigators,
835 supervisors, and PTBC enforcement staff. The training covered specific
836 aspects of investigating complaints for the PTBC. The second training was for
837 our Physical Therapist Expert Consultant Program; eleven new experts who
838 attended the training and fourteen current experts attended to refresh their
839 knowledge and understanding of the program requirements. Deputy Attorney
840 General John Gatschet provided both trainings on behalf of the Board.

841

842 Mr. Phelps shared the Board is working with DOI and the AG's office on
843 planning the next Investigator Training for 2025 and is also planning to
844 continue to conduct the Expert Consultant training on at least an annual basis.

845

846 Ms. Phelps added that in September and October 2024, the two newest
847 enforcement analysts completed the National Certified Investigator & Inspector
848 Basic Training course, which is provided by the Council on Licensure,
849 Enforcement and Regulation (CLEAR).

850

851 Ms. Phelps reported that, in coordination with DCA, a recent press release
852 regarding a complaint investigation that resulted in the revocation of the
853 physical therapist assistant licenses. Based on the evidence obtained through
854 DOI's investigation of the complaint, the case was forwarded to a local DA's
855 office, which resulted in a criminal conviction and the former licensee being
856 required to register as a sex offender.

857

Ms. Phelps stated that in Quarter 1, staff initiated one hundred fifty eight new cases, issued eight citations, completed one hundred and twenty two desk investigations, referred fourteen cases to the AG's Office, received one interim Suspension Order and one Penal Code 23 (PC 23) Order, and closed ten cases after referral to the Ag's Office. Additionally, the current case load is four hundred and seventeen cases among the six analysts.

Ms. Phelps presented that in Quarter 1, two public letters of reprimand and two public reprovals were issued, three licensees were placed on probation, and three licensees lost their privilege to practice physical therapy, one by stipulated surrender order. And two by revocation order.

Dr. Rabena-Amen asked, what is Penal Code 23 (PC 23)? Ms. Phelps answered that PC 23 is an order issued by a judge in a criminal proceeding ordering the licensee to cease practicing during the pendency of the criminal matter.

Dr. Rabena-Amen asked if there is a target number the Board for expert consultants. Ms. Phelps answered that there is not a target number, but the Board looks at geographic areas where there is need and practice areas. Mr. Kaiser added it could be the performance to participate, the training can be daunting, and geographic travel.

Probation Monitoring Services Update

(A) Program Updates

(B) Statistical Updates

Mr. Martin presented the statistics for Quarter 1. There was a high of seventy-one licensees on probation at one time for various causes. Besides the fifty probationers actively working in the state of California, there were an additional seven out-of-state probationers tolling or not receiving credit toward completion of probation due to being out of the state and fourteen probationers tolling due to unemployment or underemployment. Three licensees were placed on probation in the quarter, and four licensees completed probation; one probation was revoked for non-compliance.

Mr. Martin added that out of the fifty licenses that are not tolling, nine are enrolled and participating in the Board's Substance Abuse Rehabilitation Program, equaling about 18% of all licensees on probation that aren't tolling. Two licensees enrolled in Maximus, and one licensee completed the program.

Lastly, there were eight instances of non-compliance with probation; most instances of non-compliance were minor violations for not being available for quarterly interviews or not submitting paperwork on time.

Dr. Brandon thanked Mr. Martin on his diligence with documentation and commend the Enforcement Unit for upholding opportunities for people.

20. Student Q&S

Students from Unitek College, Sacramento; Institute of Technology, Modesto; and Sacramento City College, Sacramento, went before the Board and introduced themselves. They asked questions, which ranged from trends on disciplinary actions involving PTAs that students should be aware of and how difficult is it to find a job for a person with disabilities, and how does PTBC help PTAs with disabilities in regulatory decisions about accessibility?

Ms. McMillian thanked the students for asking members questions.

21. Board Member Elections

(A) President

NOMINATION: Dr. Rabena-Amen nominated Dr. Brandon as Board President

NOMINEE: Dr. Brandon

MOTION: To elect Dr. Brandon as Board President

M/S: Rabena-Amen/McMillian

VOTE: McMillian - Aye
Armstrong- Absent
Brandon - Aye
Eleby – Absent
Qiu - Aye
Rabena-Amen - Aye
4-0 Ayes, Motion Carried

(B) Vice-President

NOMINATION: Dr. Rabena-Amen nominated Ms. Qiu as Vice Board President

937
938 **NOMINEE:** Mr. Qiu
939
940 **MOTION:** To elect Mr. Qiu as Vice Board President
941
942 **M/S:** Rabena-Amen/Brandon
943
944 **VOTE:** McMillian - Aye
945 Armstrong- Absent
946 Brandon - Aye
947 Eleby – Absent
948 Qiu - Aye
949 Rabena-Amen - Aye
950 4-0 Ayes, Motion Carried

951
952 (C)FSBPT Delegate

953 **NOMINATION:** Dr. Rabena-Amen nominated Ms. McMillian as FSBPT
954 Delegate
955
956 **NOMINEE:** Ms. McMillian
957
958 **MOTION:** To elect Ms. McMillian as FSBPT Delegate
959
960 **M/S:** Rabena-Amen/Brandon
961
962 **VOTE:** McMillian - Aye
963 Armstrong- Absent
964 Brandon - Aye
965 Eleby – Absent
966 Qiu – Aye
967 Rabena-Amen – Aye
968 4-0 Ayes, Motion Carried
969

970
971 (D)FSBPT Alternate Delegate

972
973 **NOMINATION:** Dr. Rabena-Amen nominated Dr. Armstrong as FSBPT
974 Delegate
975

NOMINEE: Dr. Armstrong
MOTION: To elect Dr. Armstrong as FSBPT Alternate Delegate
M/S: Rabena-Amen/McMillian
VOTE: McMillian - Aye
Armstrong- Absent
Brandon - Aye
Eleby – Absent
Qiu – Aye
Rabena-Amen – Aye
4-0 Ayes, Motion Carried

(E) FSBPT Back-Up Delegate

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

NOMINATION: Alphabetic order by A-Z order by last name of the remaining Board Members

NOMINEE: Alphabetic order by A-Z order by last name of the remaining Board Members

MOTION: Alphabetic order by A-Z order by last name of the remaining Board Members

M/S: Rabena-Amen/McMillian

VOTE: McMillian - Aye
Armstrong- Absent
Brandon - Aye
Eleby – Absent
Qiu – Aye
Rabena-Amen – Aye
4-0 Ayes, Motion Carried

22. Public Comment on Items Not on the Agenda

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1016

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

1017

1018

1019

23. Agenda for Future Meeting

March 18-19, 2025

1020

University of the Pacific Stockton, CA

1021

1022

Dr. Rabena-Amen asked if there can be a presentation regarding AI and how that can affect the Board.

1023

1024

24. Adjournment

1025

1026

The meeting adjourned at 3:08 p.m. p.m. on December 6, 2024.

1027