

TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the PHYSICAL THERAPY BOARD OF CALIFORNIA (PTBC) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held on November 3, 2011, 9:00am at Ohlone College, Newark Campus 39399 Cherry Street, Room NC1100 Newark, CA. 94560

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the PTBC at its office not later than 5:00 P.M. on November 3, 2011, or must be received by the PTBC at the hearing. The PTBC, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2615 of the Business and Professions (B&P) Code; and to implement, interpret or make specific sections 900 and 901 of the B&P Code, the PTBC is considering changes to Division 13.2 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The PTBC proposes to add Sections 1400, 1400.1, 1400.2, 1400.3 in Article 14 of Division 13.2, Title 16, related to Sponsored Free Health Care Events.

On September 23, 2010, Governor Arnold Schwarzenegger signed AB 2699 (Bass, Chapter 270, Statutes of 2010), enacting Business and Professions (B&P) Code section 901, which became effective January 1, 2011. This statute provides a regulatory framework for certain health care events at which free care is offered to uninsured or under-insured individuals by volunteer health care practitioners where those practitioners may include individuals who may be licensed in one or more states but are not licensed in California. Prior to this enactment, licensing laws precluded the participation of volunteers licensed outside of California. B&P Code section 901 defines "sponsoring entities," "sponsored events," and "health care practitioners," and sets forth requirements for registration of sponsoring entities and authorization for participation by practitioners licensed in other states by the various boards responsible for licensure and regulation of healing arts.

These proposed regulations would implement, interpret, and make specific the provisions of B&P Code section 901 by specifying procedures and forms to be used by sponsoring entities and out-of-state Licensed Physical Therapists (PTs) who desire to participate in sponsored events. The PTBC's highest priority is the protection of the public and these proposed regulations are intended to implement B&P Code section 901 in a manner that will provide the greatest protection for the people of California.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact: The PTBC has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The PTBC has determined that this proposed regulatory action will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The PTBC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The PTBC has determined that the proposed regulations would not affect small businesses. The proposed regulations do not alter staffing or equipment needs in any small business.

CONSIDERATION OF ALTERNATIVES

The PTBC has determined that no reasonable alternative considered by the PTBC or that has otherwise been identified and brought to the attention of PTBC, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The PTBC is directed by statute to develop these regulations and there is, thus, no other method of developing the forms and procedure for registering sponsoring entities and granting authorization for requests by out-of-state practitioners to participate in sponsored events.

One possible alternative is to delay or refrain from promulgating any regulations - i.e., maintain the status quo. This is not reasonable because the statute specifies a registration and fee process to be developed by the PTBC to implement the statute. By not creating a procedure, the PTBC would obviate the purpose of the statute, which is intended to provide an opportunity for out-of-state licensed volunteers to participate in certain free health care events. Also, it is not reasonable to delay because the statute has a sunset date of January 1, 2014. Because the statute is only effective for three (3) years, it is incumbent on the PTBC to implement the required processes as soon as possible.

INITIAL STATEMENT OF REASONS AND INFORMATION

The PTBC has prepared an Initial Statement of Reasons for the proposed action and has available all of the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the PTBC at 2005 Evergreen Street Suite 1350, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jason Kaiser
Address: 2005 Evergreen Street Suite 1350
Sacramento, California 95815

Telephone No: (916) 561-8278
Fax No: (916) 263-2560
E-Mail Address: jason.kaiser@dca.ca.gov

The backup contact person is:

Name: Elsa Ybarra
Address: 2005 Evergreen Street Suite 1350
Sacramento, California 95815

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Website Access: Materials regarding this proposal can be found at www.ptbc.ca.gov

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