



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - GOVERNOR EDMUND G. BROWN JR.

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916)263-2560

Internet: www.ptbc.ca.gov



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Physical Therapy Board of California **DRAFT** Meeting Minutes

Wednesday, August 3, 2011
Thursday, August 4, 2011

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

For the sake of clarity, the meeting minutes are organized numerically to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

1. Call to Order and Roll Call.

- Dr. Sara Takii, Physical Therapist, President
- Dr. Debra J. Alviso, Physical Therapist, Vice-President
- Ms. Marty Jewell, PT, Ph.D.
- Mr. Donald A. Chu, PT, Ph.D., ATC, CSCS
- Mr. James Turner

Dr. Sara Takii, Physical Therapist, President	August 3, 2011 – Present August 4, 2011 – Present
Dr. Debra J. Alviso, Physical Therapist, Vice-President	August 3, 2011 – Present August 4, 2011 – Present
Ms. Marty Jewell, PT, Ph.D.	August 3, 2011 – Present August 4, 2011 – Present
Mr. Donald A. Chu, PT, Ph.D., ATC, CSCS	August 3, 2011 – Present August 4, 2011 – Present
Mr. James E. Turner	August 3, 2011 – Present August 4, 2011 – Present

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The Physical Therapy Board of California (Board) August 2011 meeting was called to order by Dr. Takii, Physical Therapist, at 9:05 a.m., August 2, 2011. All members were present and a quorum was established.

2. Disciplinary Decisions

The Board convened in CLOSED SESSION to deliberate on disciplinary actions pursuant to Government Code section 11126(c)(3).

Disciplinary decisions are available on the Board's Web site at www.ptbc.ca.gov.

3. Approval of the May 11 & 12, 2011 Board Meeting Minutes

37 The Board determined the minutes accurately reflect actions of the Board.

38
39 **MOTION: To adopt the draft minutes from the May 11 & 12, 2011 Board**
40 **meeting as presented.**

41
42 **MOVED: Mr. Chu, PT, Ph.D.**

43
44 **SECOND: Dr. Alviso, Physical Therapist**

45
46 **VOTE: 5-0 Motion carried**

47
48 **4. Application & Licensing Services Report – *Jason Kaiser***

49
50 **(A) Statistics**

51
52 The Board requested staff provide data on how many U.S. trained physical therapist
53 applicants sit for the physical therapist assistant exam. Mr. Jason Kaiser shared the
54 licensing statistics report format will be modified with the implementation of fixed-date
55 testing.

56
57 **(B) Continuing Competency Audits**

58
59 Mr. Kaiser informed the Board staff has increased the continuing competency audit
60 sample to 20% of the license renewals received within the month.

61
62 **5. Consumer Protection Services Enforcement Report**

63
64 **(A) Report on Conviction and Continuing Competency Cases – *Cristy***
65 ***Livramento***

66
67 Ms. Cristy Livramento presented a report on conviction cases and cases pertaining to
68 continuing competency non-compliance. Dr. Alviso, Physical Therapist, inquired
69 whether an applicant with a conviction is permitted to take the National Physical Therapy
70 Exam (NPTE) and the California Law Exam (CLE). Ms. Livramento responded the
71 applicant proceeds through the application process; however, the enforcement
72 investigation must conclude prior to a license being issued. It is possible for the Board
73 to deny a license if the circumstances justify such action.

74
75 **(B) Citation and Fine Report – *Carole Phelps***

76
77 Ms. Carole Phelps presented a citation and fine report. Ms. Phelps explained staff is
78 preparing additional language for citations regarding continuing competency non-
79 compliance. The intent of the language is to educate licensees on what constitutes a
80 mitigating circumstance.

81
82 **(C) Performance Measures – *Elsa Ybarra***

83
84 Ms. Elsa Ybarra presented FY 2010/11 Performance Measures. Staff is focusing on
85 completing investigations and concluding discipline for aging enforcement cases. In
86 addition, staff discussed coordinating a training session for the Department of
87 Investigation (DOI) and the Attorney General's office (AG) to encourage collaboration
88 and establish investigation expectations. The Board inquired whether additional

89 categories for the Consumer Affairs System (CAS) could be established. Ms. Ybarra
90 explained the implementation of BreEZe should offer the Board the opportunity.

91
92 **(D) Disciplinary Summary – Elsa Ybarra**
93

94 The Board had nothing to discuss on this agenda item.

95
96 **6. President’s Report – Dr. Sara Takii, Physical Therapist**
97

98 **(A) Report on the DCA Monthly Teleconferences of Board Presidents**
99

100 Dr. Takii, Physical Therapist, provided an update on BreEZe. The Department of
101 Finance (DOF) is working to finalize the vendor contract by the end of August. If the
102 project remains on schedule, the Department of Consumer Affairs (DCA) will commence
103 implementation of BreEZe in 2012.

104
105 **(B) 2011 PTBC Meeting Dates**
106

107 The Board must address critical issues prior to the November Board meeting; therefore,
108 an additional Board meeting was scheduled for September 14, 2011. The agenda for
109 the September 14th Board meeting will include a closed session item, an update on the
110 sunset review report progress, and Board consideration of appointing a permanent
111 Executive Officer. The Board also added August 24th to the 2011 calendar as the
112 deadline to submit sunset review recommendations to Board staff.

113
114 **(C) 2012 Proposed PTBC Meeting Calendar**
115

116 The Board added July 31st to the August 1st and 2nd Board meeting dates for Strategic
117 Planning. Also, the Board moved the fall meeting to October 25th & 26th.

118
119 **7. PTBC Budget Report – *Taylor Schick, DCA Budget Manager***
120 ***Robert de los Reyes, DCA Budget Analyst***
121

122 Mr. Robert de los Reyes presented a summary of the FY 2010/11 Board budget, a
123 preview of the FY 2011/12 Board budget, and provided future budget recommendations.
124 The presentation previewed next fiscal year’s budget; however, Mr. Taylor Schick
125 explained the DCA Budget Office typically looks ahead five years. If the DCA’s Budget
126 Office foresees a structural imbalance within the coming years, the Board may be
127 prompted to consider fee increases. The Board is currently required to cut approximately
128 \$13,000 from the overall budget, which is much less than the original projection of
129 approximately \$120,000.

130
131 The Board may rearrange its discretionary funds within the budget line items; however,
132 Board staff should communicate these considerations with the DCA Budget Office to
133 ensure appropriate funds are available within each line item. A budget change proposal
134 is required when the Board determines an increase or decrease of appropriations is
135 needed. At this time, there is no repayment of the money the State borrowed from the
136 Board.

137
138 Due to Executive Order B-06-11 issued by Governor Brown, all out-of-state travel has
139 been restricted. The Board may submit an exemption request; however, the intent of the
140 Order is to restrict California’s “presence” for what may be considered unnecessary
141 affairs.

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8. Executive Officer’s Report – *Rebecca Marco*

Ms. Rebecca Marco specifically addressed a few items from her written Executive Officer report. The Board received exemption approval for the Enforcement Staff Services Manager I position, which has been filled by Jason Kaiser. Under Legislation and Regulation, the proposed rulemaking amendments to the regulation, Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant (§ 1399.26.1), requiring the FSBPT Coursework Evaluation Tool in lieu of ELEERS is at the State and Consumer Services Agency (Agency), then, if approved, will be reviewed by the Office of Administrative Law (OAL).

Ms. Marco shared all travel is strictly prohibited unless the Board receives a specific exemption from the Governor. Ms. Jewell, PT, Ph.D., shared attendance of Board members and staff at the CPTA Annual Conference and the FSBPT Annual Meeting is mission critical for the Board and urged staff to pursue a travel exemption. Ms. Marco responded she will work on the justifications for the exemption request and asked Ms. Jewell, PT, Ph.D. to assist her.

The travel restriction not only affects the Board’s attendance at meetings, but settlement conferences as well. Mr. Steven Hartzell, the Board’s former Executive Officer, was the first and only Executive Officer to attend settlement conferences. Though this was not a common practice for any other board, the Board has found the Executive Officer’s attendance at settlement conferences allows for clear communication with the AG and Administrative Law Judge (ALJ), and the Board’s active involvement results in increased probationer compliance.

MOTION: To direct that the Executive Officer seek authorization for exemption from the Executive Order restricting travel to permit the Executive Officer to attend settlement conferences base upon his/her determination of necessity, taking Into consideration the DCA’s disciplinary priority guidelines and the cost savings of not taking the case to hearing.

MOVED: Ms. Jewell, PT, PhD.

SECOND: Mr. Turner

VOTE: 5-0 Motion carried

The recently revised supervision and patient records regulation language went into effect July 14, 2011. This actuated a review of the CLE to identify questions which may have been affected by the new regulation language. The CLE has not been updated since 2005. Ms. Marco shared the exam has not been updated recently for rewriting an exam is an extremely expensive and time-consuming process. Mr. Brian Stiger, DCA Acting Director, communicated the DCA will assist the Board with updating the CLE by approving travel for subject matter experts and aid in negotiating the testing contract because the CLE is a significant part of ensuring public protection.

9. Outreach Report – *Korey Landry*

Ms. Korey Landry presented a report on the Board’s Outreach Program. The Board requested staff research the cause of schools’ disinterest in the educational value of

195 hosting a Board meeting. Dr. Takii, Physical Therapist, suggested staff contact the laws
196 and ethics professor(s) at each school. In addition, Dr. Alviso, Physical Therapist,
197 recommended the Board utilize Facebook and Twitter as a means of communication
198 with physical therapist and physical therapist assistant students to encourage school
199 participation. The limited communication between schools and the Board became
200 apparent when the new supervision regulations went in to effect. The professors were
201 confused as to what the students should study to prepare for the exam. Although the
202 students need to be versed in the new regulation language, they also have to pass the
203 CLE. The professors were unaware the Board addressed the out-dated supervision
204 questions on the CLE.

205
206 The Board again considered posting disciplinary decisions on Facebook since it
207 contributes to the Board's consumer protection mission. The majority of the Board
208 agreed to direct staff to proceed with this new process.

209
210 Ms. Landry requested Board members submit newsletter article ideas to staff in
211 preparation for drafting the next newsletter. This is the first newsletter to be solely
212 posted on the Board's Web site. The deadline to submit article ideas is mid-September.
213 Mr. Chu, PT, Ph.D., recommended soliciting experts to assist with revising the CLE. Dr.
214 Takii, Physical Therapist, suggested petitioning schools to hold a Board meeting at their
215 campus.

216 217 **10. Consumer and Professional Associations and Intergovernmental Relations Report**

218 219 **(A) California Physical Therapy Association (CPTA)**

220
221 Dr. James Syms, Physical Therapist, CPTA President, advocated for the Board to be in
222 attendance at the CPTA Annual Conference since it is one of the most productive ways
223 to reach the licensee population. Also, the CPTA continues to offer a toolkit designed to
224 assist those physical therapists planning to/or are in the process of changing their
225 employment status.

226 227 **(B) Federation of State Boards of Physical Therapy (FSBPT)**

228
229 Ms. Jewell, PT, Ph.D., and Dr. Alviso, Physical Therapist, attended the FSBPT NPTE
230 Summit and will provide information and recommendations to the Board at the
231 November 2011 Board meeting.

232 233 **11. Update on Practice of Physical Therapy in Corporate Setting – *Rebecca Marco***

234
235 Dr. Takii, Physical Therapist, provided a brief history of the issue involving the practice of
236 physical therapy in corporate settings.

237
238 Mr. Stiger petitioned the Board to postpone taking action against physical therapists
239 working for physicians. Mr. Stiger explained the Legislature has had insufficient time to
240 research the intent and application of the Moscone-Knox Professional Corporation Act.
241 Additionally, Mr. Stiger requested the Board consider current economic conditions, and
242 the limited resources the Board has to fully pursue investigations considering the
243 uncertainty surrounding the Moscone-Knox Professional Corporation Act. Mr. Stiger
244 acknowledged the confusion which has occurred within the licensee community
245 regarding the Board's approach to addressing these complaints.

247 Mr. Chu, PT, Ph.D., questioned why the Board should refrain from continuing
248 investigations and pursuing action when other groups are fully engaged in action to
249 amend current law, for example, the introduction of the bill AB 783. Additionally, Ms.
250 Jewell, PT, Ph.D., inquired as to why the Board should merit AB 783, and like legislation,
251 when the Legislature has intentionally abrogated it. Ms. Jewell, PT, Ph.D., noted though
252 the subjects of these complaints may not cause public harm, the subject's patients are
253 potentially receiving inadequate care.

254
255 Ms. Shela Barker, Board Legal Counsel, presented a concern some physical therapists
256 may use this employment arrangement to relegate responsibility to the physician if an
257 investigation reveals a violation against them.

258
259 Mr. Stiger reiterated he encourages the Board to collect information and educate
260 physical therapists about the issues surrounding their possible employment situation and
261 all cases should be investigated as deemed appropriate by the Board. The cases
262 involving physical therapists working for physicians; however, should be suspended until
263 the law is clarified.

264
265 Rosielyn Pulmano representing the Senate Business, Professions and Economic
266 Development Committee urged the Board to support Mr. Stiger's recommendations.

267
268 Dr. Alviso, Physical Therapist, asked Mr. Stiger to clarify his request of the Board to
269 either refrain from *conducting* investigations, or from *concluding* investigations. Mr.
270 Stiger confirmed he is requesting the Board abstain from *concluding* investigations.

271
272 To gain further information on this issue, Mr. Chu, PT, Ph.D., suggested the Board track
273 the work demographic of all subjects.

274
275 MOTION: To direct staff to include data gathering on subjects' work demographics
276 on all future complaints, and to note the pattern of referrals that have
277 occurred.

278
279 MOVED: Mr. Chu, PT, Ph.D.

280
281 SECOND: Ms. Jewell, PT, Ph.D.

282
283 *(Mr. Chu, PT, Ph.D. withdrew this motion and introduced a new motion.)*

284
285 Ms. Barker notified the Board a motion so broad was not sufficiently noticed on the
286 agenda; therefore, to continue, the motion must be amended. Mr. Chu, PT, Ph.D.,
287 withdrew the current motion and introduced a new motion.

288
289 **MOTION: To direct staff to include data gathering on work demographics for**
290 **subjects who work for corporations and look for a referral pattern.**

291
292 **MOVED: Mr. Chu, PT, Ph.D.**

293
294 **SECOND: Dr. Alviso, Physical Therapist**

295
296 **VOTE: 1 in favor, 1 abstained. 3 opposed**
297 **Motion failed**

298

299 To ensure this issue is appropriately noticed for future meetings, Ms. Barker suggested
300 the Board specifically notice a discussion regarding gathering enforcement case data for
301 all complaints.
302

303 Mr. Turner shared his experience in working with the Legislature and suggested it may
304 be politically advantageous for the Board to support Mr. Stiger's recommendations.
305

306
307 MOTION: For the Board to support Mr. Stiger's recommendation to, at the request
308 of the Legislature, postpone concluding action on complaints concerning
309 physical therapists working for physicians.
310

311 MOVED: Mr. Turner
312

313 SECOND: Dr. Takii, Physical Therapist
314

315 Dr. Takii, Physical Therapist, solicited approval from Mr. Turner to amend the proposed
316 motion to read as follows:
317

318 MOTION: I move, in consideration of the recommendation made by Acting Director
319 Stiger, that where complaints arise as a result of allegations solely of
320 violations of the Moscone-Knox Professional Corporation Act, that the
321 Board staff not conclude any investigation of such complaints until the
322 Legislature clarifies the law regarding the employment of licensed
323 physical therapists in a corporate practice setting.
324

325 Mr. Turner accepted the amended motion.
326

327 Ms. Jewell suggested an addition to the current motion to require the Board place this
328 item on each Board meeting agenda until the Board determines the issue is resolved.
329

330 MOTION: To direct staff to place this issue on each agenda until such time as the
331 Board decides the issue is resolved.
332

333 MOVED: Ms. Jewell, PT, Ph.D.
334

335 SECOND: Dr. Alviso, Physical Therapist
336

337 A member of the public expressed concern regarding the continuity of care after
338 September 1, 2011, the deadline the Board established for subjects to provide a plan
339 that will remedy their current illegitimate employment situation, how the Board is
340 addressing physical therapists working as independent contractors for physicians, and
341 questioned the authority referenced in the letter authorizing the Board to take action
342 against a corporation.
343

344 Ms. Barker addressed these concerns explaining independent contractors are not
345 considered employees; therefore, the Board cannot discuss the topic for it was not
346 noticed on the agenda. Ms. Barker continued the Board's intention in requesting an
347 employment plan is not to insist they cease practice, but to educate those licensees
348 working in the corporate setting in question and provide an opportunity to comply with
349 the law. In addition, there are some legal employment arrangements established, so the
350 Board must first determine if there is a violation by asking the licensees to self-certify
351 their employment situation. If a physical therapy corporation is functioning unlawfully,

352 the Board has jurisdiction to take action against the corporation, which is the referenced
353 authority in the letter.

354
355 Dr. Alviso, Physical Therapist, motioned to table the motion to allow the Board to hear
356 public comment on the issue.

357
358 **MOTION: To table the current motion for approximately 15 minutes to allow**
359 **the Board to hear public comment.**

360
361 **MOVE: Dr. Alviso, Physical Therapist**

362
363 **SECOND: Ms. Jewell, PT, Ph.D.**

364
365 **VOTE: 5-0 Motion carried**

366
367 After the Board heard comments from the public, Ms. Jewell, PT, Ph.D., motioned to
368 move the motion from the table.

369
370 **MOTION: To move the motion from the table.**

371
372 **MOVED: Ms. Jewell, PT, Ph.D.**

373
374 **SECOND: Mr. Turner**

375
376 No vote is required when moving a motion from the table. The final vote of the Board
377 was to determine if the motion from the table should pass.

378
379 **MOTION: I move, in consideration of the recommendation made by Acting**
380 **Director Stiger, that where complaints arise as a result of allegations**
381 **solely of violations of the Moscone-Knox Professional Corporation**
382 **Act, that the Board staff not conclude any investigation of such**
383 **complaints until the Legislature clarifies the law regarding the**
384 **employment of licensed physical therapists in a corporate practice**
385 **setting. This issue shall be placed on each agenda until such time**
386 **as the board decides that the issue is resolved.**

387
388 **MOVED: Mr. Turner**

389
390 **SECOND: Dr. Takii, Physical Therapist**

391
392 **VOTE: 4 in favor, 1 opposed**
393 **Motion carried**

394
395 **12. Sunset Review Pursuant to Business and Professions Code Section 2602 – Sarah**
396 **Conley**

397
398 **(A) Discussion of Report Form, Section 11 – New Issues**

399
400 **i. Staff recommendations for Issues to Include in the Board’s Sunset**
401 **Review Report**

402
403 Minutes on items 12(A)(i), 12(A)(ii) and 12(A)(iii) have been combined; see agenda item
404 12(A)(iii).

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ii. Staff Solicitation of Recommendations from the Board for Issues to Include in the Board’s Sunset Review Report

Minutes on items 12(A)(i), 12(A)(ii) and 12(A)(iii) have been combined; see agenda item 12(A)(iii).

iii. Schedule Future Teleconference to Review Sunset Report

Ms. Marco presented staff’s recommendations of items to include in the Board’s 2012 sunset review report. The Board expressed concern regarding the suggestion to increase the number of Board members by adding one physical therapist assistant. This would result in the Board being composed of an even number of members, and the Legislature may disapprove of the expansion due to its effect on the State’s budget. However, the Board would be justified in requesting to add a member for more consumer protection with an ever growing licensee population, and representation for physical therapist assistants.

Ms. Barker brought presented an additional issue for the Board’s consideration. In 2009 the NPTE was added in the statutory licensing requirements, so if the Board wishes to change make the reference general instead of specifically the NPTE, sunset review would provide the opportunity.

Ms. Marco recommended the Board appoint a Board member liaison for staff to contact while working on the sunset review report. Due to his prior experience with the sunset process, Mr. Chu, PT, Ph.D., agreed to act as the Board member liaison.

The Board suggested staff solicit recommendations form the public for the sunset review report. The deadline to submit all recommendations is August 24, 2011. In addition, the Board scheduled an additional meeting to discuss the progress of the sunset review report on September 14, 2011.

13. Rulemaking Progress Report – *Rebecca Marco*

Ms. Marco presented the 2011 Rulemaking Calendar with the addition of updates on all rulemaking files as requested by the Board at the May 2011 meeting. The calendar includes a possible rulemaking file to limit the number of exam attempts. Ms. Barker explained statute specifically prohibits boards from adopting regulations limiting the number of exam attempts. Ms. Jewell, PT, Ph.D., suggested adding this to suggestions for the sunset review report. Ms. Barker incited the Board pursue drafting a regulation to establish a passing score for the NPTE, for which the Board directed staff prepare language.

14. Draft Language for Model Guidelines of Issuing Citations and Imposing Discipline, Section 1399.15 of Division 13.2 of Title 16 of the California Code of Regulations, for Board Consideration and Possible Action – *Elsa Ybarra*

Ms. Ybarra presented the draft language for Model Guidelines for Issuing Citations and Imposing Discipline (Guidelines) with all amendments as suggested at the May 2011 Board meeting. The Board discussed the most recent revision of the Guidelines.

458 The Board and Ms. Barker agreed the last paragraph regarding revocation of a license if
459 an individual is required to register as a sex offender did not belong under that section
460 titled *Legal Authority*. Ms. Barker will find more appropriate placement for the language,
461 which may require separating the language under a new California Code of Regulations
462 (CCR) section number.

463
464 Page 10

465
466 The Board requested staff ensure the required number of drug tests is consistent
467 throughout the entire Guidelines document.

468
469 Page 20

470
471 The Board discussed the intent of the language and whether the authority to consider
472 public reproof as discipline applies when one, some, or all of the circumstances exist.
473 Ms. Barker explained the language was written to include all circumstances. The Board
474 determined the language should remain the same.

475
476 Page 24

477
478 The Board expressed concern the title False Statements of Material Fact for Application
479 B&P Code 499 does not discern applicants' mistakes from actual intention to commit
480 fraud. Ms. Barker clarified the inclusion of material fact excludes a situation where an
481 applicant makes a mistake. In addition, this standard is duplicative to what is applicable
482 to all licensees in the B&P Code.

483
484 Page 27

485
486 A reference to the Uniform Standards must be added to the note regarding the discipline
487 for Sexual Abuse or Misconduct with a Patient or Client.

488
489 Page 34

490
491 There is a type-o in the title Unauthorized Use of Medical Designation B&P Code 2274,
492 2660(h).

493
494 Page 41

495
496 Imposition of the "Uniform Standards Related to Substance Abuse" shall be imposed
497 needs to be amended to read "Uniform Standards Related to Substance Abuse shall be
498 imposed.

499
500 Page 70

501
502 The Board requested, under O. Education Course(s), staff include the respondent shall
503 submit the date(s) of the physical therapy remedial education program intended to take.

504
505 Page 75

506
507 There is a type-o under W. Biological Fluid Testing.

508
509 **MOTION: To authorize staff to move forward the rulemaking process for the**
510 **draft language for Model Guidelines of Issuing Citations and**

511 **Imposing Discipline with the Board's editorial changes and delegate**
512 **authority to make non-substantive changes to the revised text to the**
513 **Executive Officer**

514
515 **MOVED: Ms. Jewell, PT, Ph.D.**

516
517 **SECOND: Mr. Turner**

518
519 **VOTE: 5-0 Motion carried**

520

521 **15. Draft Regulatory Language for Sponsored Free Health Care Events, Chapter 27,**
522 **Statutes of 2010 (AB 2669), Sections 1400-1400.3 of Division 13.2 of Title 16 of the**
523 **California Code of Regulations, for Board Consideration and Possible Action –**
524 ***Sarah Conley***

525

526 Ms. Barker shared the DCA and Agency is strongly recommending the Board adopt the
527 proposed regulatory language regarding sponsored free health care events as quickly as
528 possible. Ms. Marco explained staff does not have a recommended fee at this time, but
529 will add the fee prior to submission to OAL. The Board questioned the intent of section
530 1400.2(c)(1)(B). Ms. Barker explained this language was added to the regulation
531 template by the Medical Board of California, but it is not required by for this Board.

532

533 Dr. James Syms, Physical Therapist, CPTA President, brought to the Board's attention
534 the proposed language does not include physical therapist assistants. After further
535 discussion on the necessity to include physical therapist assistants, the Board
536 determined the proposed language should remain as is.

537

538 **MOTION: To authorize staff to move forward with the rulemaking process for**
539 **the draft language for Sponsored Free Health Care Events, Chapter**
540 **27, Statutes of 2010 (AB 2669), as amended.**

541

542 **MOVED: Dr. Takii, Physical Therapist**

543

544 **SECOND: Ms. Jewell, PT, Ph.D.**

545

546 **VOTE: 5-0 Motion carried**

547

548 **16. Legislation Matrix Update – *Sarah Conley***

549

550 The Board expressed concern regarding the current legislation position definitions
551 because they do not reflect the intent of the Board.

552

553 **MOTION: To direct staff to rework legislation positions for the Board to review**
554 **at the November Board meeting**

555

556 **MOVED: Mr. Chu, PT, Ph.D.**

557

558 **SECOND: Mr. Turner**

559

560 **VOTE: 5-0 Motion carried**

561

562 **17. Animal Physical Rehabilitation – *Sarah Conley/ Shela Barker***

563

564 Ms. Barker reported the Veterinary Medical Board (VMB) meets August 31, 2011 and
565 this issue may be discussed. The subcommittee is reviewing old language which does
566 not sufficiently address the current issue; therefore, new language must be drafted. The
567 VMB requested Board members and/or Board staff participate in developing the new
568 language concerning animal rehabilitation. The Board was not previously aware of this
569 invitation, so Ms. Marco will contact the VMB Executive Officer for further information.
570

571 Dr. Syms, CPTA, shared the CPTA has offered to assist the VMB, but has not received
572 a response.
573

574 **18. Review of Draft Administrative Policy Regarding Board Member \$100 Per Day Per**
575 **Diem – Sarah Conley**
576

577 The Board indicated it did not have any recommendations regarding the proposed
578 policy. Ms. Marco noted legislation has been introduced which would require board
579 members to maintain a log of their time worked and how that time was spent. Board
580 members already complete such a log pursuant to its per diem policy.
581

582 **MOTION: To direct staff to add policy TRV 07-11 to the Board’s Administrative**
583 **Manual.**
584

585 **MOVED: Mr. Turner**
586

587 **SECOND: Ms. Jewell, PT, Ph.D.**
588

589 **VOTE: 5-0 Motion carried**
590

591 **19. National Physical Therapy Exam and California Law Exam Contract Update –**
592 **Shela Barker**
593

594 Ms. Barker reported the NPTE contract automatically renewed in July. A letter was sent to
595 the FSBPT explaining the Board is attempting to amend the current contract to be in
596 compliance with State law; however, the Board is trying to remain flexible when permitted. If
597 the Board were to lose the FSBPT testing contract, applicants would be required to test in
598 other states. Ms. Barker will continue to work with the FSBPT in an effort to reach an
599 agreement between the Board and FSBPT.
600

601 Ms. Marco shared after contacting the FSBPT, she was notified the Board did not receive
602 consent to publicize Mr. Norman Hertz’s audit report regarding the integrity of the NPTE.
603 Ms. Marco explained the FSBPT will be providing a formal response to the Board’s request.
604

605 **20. Public Comment on Items Not on the Agenda**
606

607 There were no additional public comments.
608

609 **21. Agenda Items for Next Meeting – Wednesday & Thursday, November 2 & 3, 2011**
610 **Ohlone College – Newark, CA**
611

612 The Board directed staff to review the minutes for November agenda items as well as
613 ensure to include the following items:
614

- 615 • Draft regulatory language establishing a pass/fail score for the NPTE
- 616 • Potential draft regulations for NPTE

- 617 • Direction on gathering employment demographic statistics to aid with investigations
- 618 for all complaints
- 619 • Present new legislation position definitions
- 620 • Report on activities at FSBPT 2011 NPTE Summit
- 621 ○ Report on present and future plans
- 622 ○ Recommendations for potential actions taken by the Board to change the
- 623 NPTE
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625 **22. Adjournment**

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The meeting was adjourned at 4:09 p.m. on August 4, 2011.