



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING 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



Board Members

President

Debra Alviso, Physical Therapist, DPT

Vice-President

Sara Takii, Physical Therapist, DPT, MPA

Members

Katarina Eleby

Martha Jewell, Physical Therapist, Ph.D.

Alicia Rabena-Amen, Physical Therapist, MPT

James Turner, MPA

Carol Wallisch, MA, MPH

Physical Therapy Board of California Notice of Public Meeting

May 14, 2014 8:00 a.m.

May 15, 2014 8:30 a.m.

**UCLA – Weyburn Commons
Village View Room, 4th Floor
11020 Weyburn Drive
Los Angeles, CA 90024**

Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Sarah Conley, Executive Associate

Analyst

Action may be taken on any agenda item. Agenda items may be taken out of order.

Unless otherwise indicated, all agenda items will be held in OPEN SESSION.

THE PUBLIC IS ENCOURAGED TO ATTEND. Please refer to the informational notes at the end of the agenda.

Agenda

1. Call to Order and Roll Call

2. Board Member Changes

(A) Welcome to Alicia Rabena-Amen

(B) Thanks to Martha Jewell

(C) Reappointment of Debra Alviso

3. Special Order of Business – Wednesday, 8:30 a.m.

(A) Hearing on Petition for Modification of Probation – Eric Cook, PT

After submission of the matters, the Board will convene in CLOSED SESSION to deliberate pursuant to Government Code section 11126(c)(3).

4. Closed Session

- (A) Pursuant to Government Code section 11126(c)(3)
Deliberation on Disciplinary Actions
- (B) Pursuant to Government Code section 11126(c)(1)
Matters Relating to Examinations
- (C) Pursuant to Government Code section 11126(a)(1)
Evaluation of Executive Officer
- (D) Pursuant to Government Code section 11126(e)
US Equal Employment Opportunity Commission (EEOC) Charge
Number 555-2012-00027

5. Approval of February 19 & 20, 2014 Meeting Minutes – Sarah Conley

6. Consumer and Professional Associations and Intergovernmental Relations Reports

- (A) Federation of State Boards of Physical Therapy (FSBPT)
- (B) Department of Consumer Affairs (DCA) – *Christine Lally*
- (C) California Physical Therapy Association (CPTA)

7. President’s Report – Dr. Alviso

- (A) 2014 Meeting Calendar
- (B) Proposed 2015 Meeting Calendar

8. Executive Officer’s Report – Jason Kaiser

9. Legislation Report – Sarah Conley

- (A) SB 198 (Lieu) Physical Therapy Board of California
 - i. Clean-up Recommendations
 - a. PTA Education Requirements
- (B) 2014 Bills
 - i. AB 790 (Gomez) Child Abuse: Reporting
 - ii. AB 1702 (Maienschein) Professions and Vocations: Incarceration
 - iii. AB 1758 (Patterson) Healing Arts: Initial Licensing Fees: Proration
 - iv. AB 1890 (Chau) Athletic Trainers
 - v. AB 1903 (Donnelly) Business and Professions
 - vi. AB 2165 (Patterson) Professions and Vocations: Licenses
 - vii. SB 1159 (Lara) Professions and Vocations: License Applicants: Federal Tax Identification Number
 - viii. AB 2598 (Hagman) Department of Consumer Affairs: Administrative Expenses
 - ix. SB 1215 (Hernandez) Healing Arts Licensees: Referrals
 - x. SB 1256 (Mitchell) Medical Services: Credit
 - xi. SB 1258 (DeSaulnier) Controlled Substances: Prescriptions: Reporting
 - xii. Other Bills that have come to the attention of the Board after publication of the Agenda

10. **Rulemaking Report** – Sarah Conley/Elsa Ybarra
 - (A) Guidelines for Issuing Citations and Imposing Discipline, and Uniform Standards Regarding Substance-Abusing Healing Arts Licensees
11. **Board Communication with PT/PTA Education Programs** – Dr. Alviso/Jason Kaiser
12. **License Status Types** – Dr. Jewell
13. **Board Member Policy Manual** – Sarah Conley
14. **Administrative Services Report** – Jason Kaiser
 - (A) Budget
 - (B) Outreach
15. **Application & Licensing Services Report** – Jason Kaiser
16. **Consumer Protection Services Report** – Elsa Ybarra
17. **Public Comment on Items Not on the Agenda**

Please note the board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. [Government Code sections 11125 and 11125.7(a)]
18. **Agenda Items for Next Meeting** – August 20-21, 2014
Department of Consumer Affairs
Sacramento, CA
19. **Adjournment**

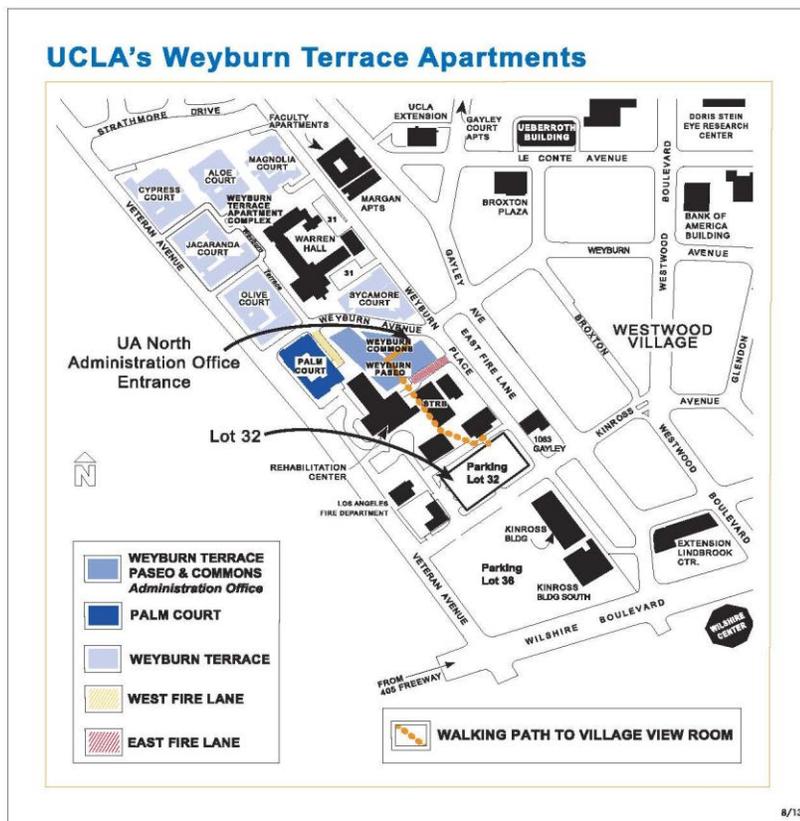
Informational Notes:

Times stated are approximate and subject to change. Agenda order is tentative and may be changed by the Board without prior notice. This meeting will conform to the Bagley-Keene Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at the meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment on particular issues may be limited.

The Board plans to webcast this meeting on its website at www.ptbc.ca.gov. Webcast availability cannot be guaranteed. If you wish to participate or guarantee the opportunity to observe, please plan to attend at a physical location.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Sarah Conley at (916) 561-8210, e-mail: sarah.conley@dca.ca.gov, or send a written request to the Physical Therapy Board of California, 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

Directions to Weyburn Terrace Village View Room



Directions:

- 1) Park in Lot 32. Parking permits must be displayed. Guests without a UCLA parking permit may use the "Pay & Display" kiosk inside the structure to purchase a permit.
- 2) Exit Lot 32 in the northeast corner of the parking structure.
- 3) Continue north through the courtyard towards the Science and Technology Research Building (STRB).
- 4) Proceed through the STRB breezeway to the Weyburn Terrace Paseo entrance.
- 5) Proceed through the archway to the UA North Administration Office entrance. Take elevator to 4th floor.

Roll Call

**UCLA
Los Angeles, CA**

May 14, 2014

	Present	Absent
Debra J. Alviso, PT, DPT, President		
Sara Takii, PT, DPT, MPA, Vice-President		
Martha Jewell, PT, Ph.D.		
Alicia K. Rabena-Amen, PT, MPT		
Katarina V. Eleby		
James E. Turner, MPA		
Carol A. Wallisch, MA, MPH		

May 15, 2014

	Present	Absent
Debra J. Alviso, PT, DPT, President		
Sara Takii, PT, DPT, MPA, Vice-President		
Martha Jewell, PT, Ph.D.		
Alicia K. Rabena-Amen, PT, MPT		
Katarina V. Eleby		
James E. Turner, MPA		
Carol A. Wallisch, MA, MPH		

Appointment of Alicia Rabena-Amen, PT, MPT

Alicia Rabena-Amen, 45, of Stockton, has been appointed to the Physical Therapy Board of California. Rabena-Amen has been adjunct faculty at the University of the Pacific since 2014, a physical therapist at Infinity Care Services Inc. since 2011 and senior physical therapist at Kaiser Permanente South Sacramento since 1998. Rabena-Amen was a physical therapist at Global Healthcare Services from 2013 to 2014 and was a physical therapist at Lodi Memorial Hospital from 2007 to 2013. She earned a Master of Arts degree in physical therapy from Mount St. Mary's College.



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Vice-President

Sara Takii, Physical Therapist, DPT, MPA
Katarina Eleby
James Turner, MPA
Carol Wallisch, MA, MPH

Physical Therapy Board of California DRAFT Meeting Minutes

February 19, 2014 8:15 a.m.

February 20, 2014 8:30 a.m.

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

Board Staff

Jason Kaiser, Executive Officer
Liz Constancio, Manager
Elsa Ybarra, Manager
Sarah Conley, Executive Associate
Analyst

For the sake of clarity, the meeting minutes are organized in numerical order 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

The Physical Therapy Board of California (Board) meeting was called to order by Dr. Alviso at 8:15 a.m. Dr. Jewell was absent; all other members were present and a quorum was established. Also present at the meeting were Laura Freedman, Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Consumer Protection Services Manager; Carl Nelson, Administrative Services Program Analyst; Veronica Gutierrez, Application and Licensing Program Analyst; and, Karin Thompsen, Continuing Competency Program Analyst.

2. Special Order of Business – February 19, 2014, 8:30 a.m. Hearing on Petition for Modification of Probation – Maeve Curran, PT Hearing on Petition for Modification of Probation – Alan Edmundson, PT

After submission of the matters, the Board convened in CLOSED SESSION to deliberate pursuant to Government Code section 11126(c)(3).

Once issued, disciplinary decisions may be found on the Board's website at www.ptbc.ca.gov.

3. Closed Session

(A) Pursuant to Government Code section 11126(c)(3) Deliberation on Disciplinary Actions

Once issued, disciplinary decisions may be found on the Board's website at www.ptbc.ca.gov.

(B) Pursuant to Government Code section 11126(c)(1) Matters Relating to Examinations

(C) Pursuant to Government Code section 11126(e)

**US Equal Employment Opportunity Commission (EEOC) Charge
Number 555-2012-00027**

**4. Approval of Meeting Minutes for:
(A) November 6 & 7, 2013 Meeting**

The Board identified minor amendments to the minutes.

MOTION: To adopt the draft November 6 & 7, 2013 meeting minutes as amended.

MOVED: Dr. Takii

SECOND: Ms. Wallisch

VOTE: 5-0. Motion carried

(B) December 10, 2013 Teleconference Meeting

The Board agreed to summarize edits made to proposed language and remove specific references as discussed during the teleconference.

MOTION: To adopt the draft December 10, 2013 teleconference meeting minutes as amended.

MOVED: Dr. Alviso

SECOND: Dr. Takii

VOTE: 5-0. Motion carried

5. Consumer and Professional Associations and Intergovernmental Relations Reports

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

Mr. Kaiser reported he had been appointed to serve on the FSBPT's Continuing Competency Review Committee and recently attended training in Virginia. Ms. Takii was pleased to learn the restriction on travel had been lifted and the Board could resume participation in FSBPT activity. Dr. Alviso indicated the next meeting of the FSBPT will be September 18 – 20, 2014 in San Francisco.

(B) Department of Consumer Affairs (DCA) – Christine Lally

Ms. Lally distributed current copies of the DCA Strategic Plan. She also reminded members of the filing of the Form 700 requirement and the Board Member Orientation scheduled for April 2, 2014.

(C) California Physical Therapy Association (CPTA)

Dr. Lowe representing the CPTA questioned the historical background for deleting the reference to physical therapy students as interns with passage of SB198. Dr. Alviso requested Dr. Lowe give Mr. Kaiser time to look into it; however, she did recall a survey was completed of the programs and it was her recollection none of them referred to the students as interns. Therefore, for consumer clarity, the reference to intern was removed from statute.

Dr. Lowe also advised the CPTA was pursuing the application of AB 1000 in hospital settings.

6. President's Report – Dr. Debra Alviso

(A) Proposed 2014 Meeting Calendar

The Board reviewed the proposed 2014 meeting calendar and confirmed the May 2014 will be held at University of California, Los Angeles (UCLA). Ms. Freedman advised she has a conflict with the May 14, 2014 meeting date and the Board may be represented on that day by other DCA counsel. Ms. Alviso requested the October 24 – 25, 2014 CPTA Annual Conference dates be added to the calendar.

(B) Other Items

Ms. Alviso reported she and Mr. Kaiser participated in a DCA teleconference meeting a couple of weeks ago but there wasn't much discussed impacting the Board.

7. Executive Officer's Report – Jason Kaiser

Mr. Kaiser distributed a report which included updates on the following: 1) the Joint Legislative Audit Committee's (JLAC) finding specific to exploring the feasibility of employing a civil service employee to serve as the Board's Expert. DCA's Office of Human Resources conducted a study pursuant to the JLAC finding and concluded it was not feasible. The rationale for the conclusion will be published on the JLAC website and should fulfill the Board's obligations to comply with the audit; 2) the Board is in the process of an internal audit of compliance with fingerprint clearances; 3) he met with DCA staff, Christine Lally and Jeff Sears regarding the Board's staffing deficiencies which resulted in a productive outcome and favorable resolution to some of the current staffing issues; 4) BreEZe continues to tax staffing resources but warrants the investment of time; 5) several requests for outreach to address SB 198 and AB 1000 have been received but limited staff resources may hinder the ability to fulfill

each request; 6) revisited budget issues addressed in Agenda Item 12(A); 7) advised on Veronica Gutierrez's placement into the Application and Licensing Lead position as well as Victor Azar's placement into the Office Technician position currently dedicated to keeping staff involvement in BreEZe on track; and, 8) addressed backlogs in the Continuing Competency Program and in telephone calls and emails received by the Board in general. Mr. Kaiser shared that potential resolutions to both are currently being explored.

- 8. Physical Therapist Scope of Practice with Regard to Medications – *Dr. Debra Alviso***
 - i. 11/25/2013 Response Letter to CPTA Inquiry

Dr. Alviso referred to the letter included in the agenda materials, written by Ms. Freedman, Board counsel. After review of the timeline leading to the response, she commended Ms. Freedman.

- 9. Legislation Report – *Jason Kaiser***
 - (A) Implementation of Chaptered 2014 Bills**

Mr. Kaiser indicated pending legislative approval of the Budget Change Proposal requesting a two year limited term position to review, analyze and execute regulations resulting from some of the following enacted legislation is in process. He also added AB 258 and SB 304 are part of BreEZe development.

- i. **AB 258 (Chávez) State Agencies: Veterans**
- ii. **AB 1000 (Wieckowski) Physical Therapists: Direct Access to Services**
- iii. **AB 1057 (Medina) Professions and Vocations: Licenses: Military Service**
- iv. **SB 198 (Lieu) Physical Therapy Board of California**
- v. **SB 304 (Lieu) Healing Arts: Boards**

(B) Current Bills

Mr. Kaiser reported SB 381 and AB 864 expired on January 31, 2014. Ms. Wallisch indicated she was aware of a new bill introduced seeking licensure of athletic trainers. Mr. Kaiser indicated he was aware of the bill and the language of the bill was similar to that of AB 864 except it would place the licensing responsibility with the Board of Osteopathic Examiners.

- i. **SB 381 (Yee) Healing Arts: Chiropractic Practice**

- ii. **AB 864 (Skinner) Athletic Trainers**
- iii. **Other Bills that have come to the attention of the Board after publication of the Agenda**

10. Rulemaking Report – Jason Kaiser & Elsa Ybarra

Mr. Kaiser provided an update as follows: A) After receipt of feedback from licensees the Notice to Consumer is now translated into five different languages and can be downloaded on the Board's website; B) the Required Email Filing regulation became effective on January 1, 2014; and, C) the Final Statement of Reasons is in the process of being drafted for submission to DCA.

- (A) Notice to Consumer**
- (B) Required Email Filing**
- (C) Guidelines for Issuing Citations and Imposing Discipline, and Uniform Standards Regarding Substance-Abusing Healing Arts Licensees**

11. Resolution Delegating Review and Registration of Sponsoring Entities to DCA for Sponsored Free Health Care Events (CCR §§ 1399.99.1 – 1399.99.4)

Mr. Kaiser explained the delegation to DCA was inadvertently omitted from the regulatory language when adopted, necessitating the resolution. He explained the licensees participating in the free health care events will be required to register with the Board itself and only the sponsoring entities will register with DCA.

MOTION: To approve the resolution delegating review and registration of sponsoring entities to DCA for sponsored free health care events as presented.

MOVED: Mr. Turner

SECOND: Dr. Takii

VOTE: 5-0 Motion carried

12. Administrative Services Report – Carl Nelson

- (A) Budget**

Mr. Nelson reported the expenditures were on target at 53% and there are salary savings resulting from moving temporary help into civil service positions. However, the Board is once again submitting a deficiency request in hopes of augmenting Deputy Attorney General costs.

(B) Outreach

Mr. Kaiser distributed a hand out on the status of Outreach and commented the decline in Facebook activity was largely due to the loss of staff responsible for generating activity. Ms. Alviso questioned the status of the next newsletter. Mr. Kaiser indicated articles had been collected and will be revisited once there is a replacement for this position and they are up to speed.

13. Application & Licensing Services Report – *Veronica Gutierrez*

Ms. Gutierrez presented the Application and Licensing Services report. Mr. Kaiser explained the implementation of SB 198 will add renewal exemption categories to the next report. Dr. Alviso questioned how the option for renewal exemption is being relayed to licensees and requested additional notification be considered, such as a newsletter. Mr. Kaiser added some enhancements to the website and Facebook postings should increase awareness. Ms. Takii inquired about the consequence for practicing on a delinquent license. Mr. Kaiser responded the enforcement process would apply if the licensee was working on an expired license. Dr. Alviso observed the pass rate for the candidates of the California Law Examination were low and felt the Board had an obligation to reach out to program coordinators. A WebEx, seminar and update of the study guide were solutions considered.

14. Consumer Protection Services Report – *Elsa Ybarra*

Ms. Ybarra presented the Consumer Protection Services report and conveyed all goals are on target. She also acknowledged there was some data missing from the Probation Report for the month of January since it has yet to be received from the Probation Monitor.

15. Continuing Competency Report – *Karin Thompsen*

Ms. Thompsen presented the Continuing Competency report noting the current backlog remains as the program continues with limited resources. Dr. Takii questioned the process for those licensees who fail the audit. Ms. Ybarra explained that staff solicits further information once it is transferred to the Consumer Protection Services Program, which could result in the issuance a citation to the licensee for noncompliance or the licensee obtaining retroactive credit from an approval agency offering those services. In the most egregious cases they are referred to the Deputy Attorney General.

16. Public Comment on Items Not on the Agenda

Ms. Wallisch suggested alerting legislative committees of the FSBPT's proposal for exam frequency limitations. Ms. Freedman remarked exam prohibition is in conflict with state policy and statutory prohibition resides within General Business and Professions Code.

Dr. Lowe, representing CPTA, shared the physical therapy students asked the legislature to increase Board staff in an effort to decrease application processing times. Mr. Kaiser expressed appreciation of their support.

17. Agenda Items for Next Meeting – May 14 & 15, 2014
University of California, Los Angeles
Los Angeles, CA

The Board indicated it did not have any specific items at this time for the May, 2014 meeting.

18. Adjournment

The meeting was adjourned on Thursday, February 20, 2014.

Physical Therapy Board of California

Adopted 2014 Meeting Calendar

<u>January</u>						
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January

1 New Year's Day
20 Martin Luther King Jr. Day

April

20 Easter

July

4 Independence Day

October

24-25 CPTA Conference
Oakland, CA
31 Halloween

February

17 President's Day
19-20 PTBC Meeting -
Sacramento

May

14-15 PTBC Meeting -
Southern California
11 Mother's Day
26 Memorial Day

August

20-21 PTBC Meeting -
Sacramento

November

5-6 PTBC Meeting -
Bay Area
11 Veteran's Day
27 Thanksgiving

March

June

11-14 APTA Conference
Charlotte, NC

15

Father's Day

September

1 Labor Day

18-20

FSBPT Meeting
San Francisco, CA

December

25 Christmas

Physical Therapy Board of California Proposed 2015 Meeting Calendar

<u>January</u>						
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January

1 New Year's Day
19 Martin Luther King Jr. Day

April

5 Easter

July

4 Independence Day

October

15-17 FSBPT Meeting
Orlando, FL
31 Halloween

February

1 President's Day
11-12 PTBC Meeting -
Sacramento

May

10 Mother's Day
13-14 PTBC Meeting -
Southern California
25 Memorial Day

August

12-13 PTBC Meeting -
Sacramento

November

18-19 PTBC Meeting -
Bay Area
11 Veteran's Day
26 Thanksgiving

March

31 César Chávez Day

June

3-6 APTA Conference
Nat'l Harbor, MD

15

Father's Day

September

7 Labor Day

26-27

CPTA Conference
Pasadena, CA

December

25 Christmas



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



DATE: May 5, 2014
TO: Physical Therapy Board of California (Board)
SUBJECT: EXECUTIVE OFFICER'S REPORT

This report is to update you on the current status of the Board's operations.

BUDGET/PERSONNEL –The Board has received approval for its deficiency request in the amount of \$320k for attorney general costs. This is the 3rd year in a row that we have had to make this request. Also, pending legislative approval, for FY 2014/2015, the Board expects a permanent augmentation to its attorney General budget in the amount of \$146k. This is a great accomplishment, but as indicated in this year's deficiency request, we still have more work to do.

Administrative Services staff is preparing Budget Change Proposals for FY 2014/15 to address staffing needs in the Application/Licensing Services and Administrative Services programs.

The Administrative Services program is now working on the recruitment process for the 3 positions we received authorization for in FY 2014/15.

The Board would like to welcome Jacki Maciel to the Administrative Services program. Jacki will provide analytical support to the program; specifically, she will be responsible for Personnel, Travel Liaison, Training Liaison, Outreach Coordinator, etc. She previously served with the Department of Public Health as a Personnel Specialist and has expert knowledge in personnel transactions, e.g., payroll, policies, etc. We are very happy to have her on the Admin team.

BreEZe – The Board has entered into Design Part 2 of its release. In this part, resources will be focused on Versa Online, the website that end-users will access (e.g., Consumers, Applicants and Licensees). It is anticipated that this part will require the same resource and time commitment as Part 1. Board staff continues to work in the areas of form creation, data conversion and interface development. As always, staff should be commended for their patience and diligences during this process, both those that participate directly, but also those that provide support in their absence.

LEGISLATION AND REGULATION – Please refer to Agenda Items 9 and 10 for a more detailed report.

OUTREACH – Staff continues to update the Board’s website. With the recent filling of the Admin vacancy in charge of outreach, the Board will be increasing its presence in social media, as well as moving forward with publishing the Progress Notes newsletter.

Recent staffing shortages (vacancies and unscheduled leave of absence), have prohibited us from being able to accommodate requests to speak at schools.

CONSUMER PROTECTION – As stated previously, the Administrative Services program has begun the recruitment process for a new probation monitor as well as an additional case analyst.

CONTINUING COMPETENCY – Since my last report, the Continuing Competency program’s resources have been temporarily diverted to the Application and Licensing Services program in an effort to keep up with an influx of applications, while minimizing the difficulties of fixed date testing. With our recent staffing additions, we plan to start addressing the audit backlogs, but there is currently no estimate as to when the next round of audit requests will go out.

APPLICATIONS & LICENSING – To facilitate better communication with applicants and licensees, staff has begun to survey and assess its forms. As a result, a number of new forms have been created and existing forms updated. As this process continues, forms will be edited for clarity, uniformity, accessibility and ease of use, while also keeping the future implementation of BreEze in mind.

The Board would like to welcome Theresa Epps to the Application and Licensing Services program. Theresa will provide analytical support within the Application & Licensing Services program; specifically, she will be responsible for processing PT/PTA applications and licensure, including assisting with all application and licensing functions. Theresa formally served for the Commission on Peace Officer Standards & Training (POST) for over 8 years conducting various technical and analytical functions related to the administration of applications and examinations. We are very happy to have her as a part of the Application and Licensing Services team.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

Physical Therapy Board of California

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Issue Paper

Date: 5/5/14
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: SB 198 Clean-up: PTA Education Requirements

Purpose:

To clean-up Physical Therapy Practice Act (Act) language regarding the PTA clinical experience requirement

Background:

SB 198 (Lieu) of 2013 updated and reorganized the Act. SB 198 was chaptered – Chapter 389, Statutes of 2013 – and the provisions contained within were enacted January 1, 2014.

Analysis:

SB 198 amended Business and Professions Code (BPC) § 2650 to include both PT and PTA educational requirements. BPC § 2650 was drafted with the intent to conform the PTA educational requirements language to the PT educational requirements language, as appropriate. However, a provision was added requiring PTA education programs to include at least 18 weeks of full-time clinical experience; PTA education programs do not include 18 weeks of clinical experience.

The old BPC § 2655.9 set forth PTA clinical experience requirements; however, it did not specify a minimum number of weeks.

Action Requested:

Authorize the Executive Officer to seek a legislative change to repeal the language requiring PTA education programs to include at least 18 weeks of clinical experience.



BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS [500 - 4999.129] (*Division 2 enacted by Stats. 1937, Ch. 399.*)

CHAPTER 5.7. Physical Therapy [2600 - 2696] (*Chapter 5.7 added by Stats. 1953, Ch. 1826.*)

ARTICLE 5. Educational Standards [2650 - 2654] (*Heading of Article 5 renumbered from Article 4 by Stats. 2013, Ch. 389, Sec. 42.*)

2650. (a) The physical therapist education requirements are as follows:

(1) Except as otherwise provided in this chapter, each applicant for a license as a physical therapist shall be a graduate of a professional degree program of an accredited postsecondary institution or institutions approved by the board and shall have completed a professional education program including academic course work and clinical internship in physical therapy.

(2) Unless otherwise specified by the board by regulation, the educational requirements shall include instruction in the subjects prescribed by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association or Physiotherapy Education Accreditation Canada and shall include a combination of didactic and clinical experiences. The clinical experience shall include at least 18 weeks of full-time experience with a variety of patients.

(b) The physical therapist assistant educational requirements are as follows:

(1) Except as otherwise provided in this chapter, each applicant for a license as a physical therapist assistant shall be a graduate of a physical therapist assistant program of an accredited postsecondary institution or institutions approved by the board, and shall have completed both the academic and clinical experience required by the physical therapist assistant program, and have been awarded an associate degree.

(2) Unless otherwise specified by the board by regulation, the educational requirements shall include instruction in the subjects prescribed by the CAPTE of the American Physical Therapy Association or Physiotherapy Education Accreditation Canada or such other body as may be approved by the board by regulation and shall include a combination of didactic and clinical experiences. The clinical experience shall include at least 18 weeks of full-time experience with a variety of patients.

(Repealed and added by Stats. 2013, Ch. 389, Sec. 44. Effective January 1, 2014.)

Physical Therapy Practice Act (Prior to January 1, 2014)

2655.8. Violation a Misdemeanor

Any person, other than one who has been approved by the board, who holds himself or herself out as a "physical therapist assistant" or who uses any other term indicating or implying that he or she is a physical therapist assistant, is guilty of a misdemeanor.

2655.9. Approved Programs

(a) The board shall approve each physical therapist assistant education program that proves to the satisfaction of the board that it complies with criteria for approval of those programs set forth in this section and established by the board. These criteria may be based upon the standards and curriculum guidelines for a physical therapist assistant education program as promulgated by the American Physical Therapy Association or an essentially equivalent organization.

(b) Except as otherwise provided in this chapter, each applicant for approval as a physical therapist assistant shall be a graduate of an accredited postsecondary institution or institutions and shall have completed both the academic and clinical experience required by the physical therapist assistant program, and have been awarded the associate degree.

(c) The curriculum shall consist of a combination of basic sciences, applied clinical sciences, and progressive application through clinical experience. The curriculum shall reflect education in the skills and judgment required of the physical therapist assistant in the contemporary performance of physical therapy through an organized sequence of integrated learning experiences.

(1) The basic sciences shall include, at a minimum, human anatomy and physiology, physical or health sciences, and social or behavioral sciences.

(2) The applied clinical sciences shall include neurology, normal and pathological kinesiology, normal and abnormal growth and development, gerontology, orthopedic disorders, and fundamentals of physical therapy including the economic, legal, and ethical aspects of practice. Clinical studies shall also provide laboratory experiences in simulated patient treatment including the observation, measurement, and reporting of a patient's physiologic state and effectiveness of the treatment relative to the goals established by the physical therapist's evaluation.

(3) The clinical experience shall include physical therapy treatments of patients of varying ages, disabilities, and diseases. This experience shall occur in a variety of practice settings allowing for interaction with health care professionals. Clinical experience shall include daily written and verbal communication with the supervising physical therapist to report each patient's treatment program relative to the treatment goals and to discuss adjustments in the treatment program and discharge plan.

2655.91. Graduate Practice

Every graduate of an approved physical therapist assistant education program who has filed a complete physical therapist assistant application with the board for the first time may, following receipt of a letter of authorization to perform as a "physical therapist assistant applicant" from the board, assist in the provision of physical therapy under the direct and immediate supervision of a licensed physical therapist

PHYSICAL THERAPY BOARD OF CALIFORNIA

Legislative Analysis

Bill Number	AB 790	Version	Amd. 6/4/2013
Author	Gomez	Sponsor	The California Police Chiefs Association
Subject	Child Abuse: Reporting	Status	Senate Appropriations – Held Under Submission
Adopted Position			

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead	
1 st House				2 nd House									

Red: Current/completed status Gray: Not applicable

Existing Law/Regulation

1. Requires a mandated reporter, as specified, to make a report if he or she has knowledge of or observes a child whom the mandated reporter knows or reasonable suspects has been a victim of child abuse or neglect (PC¹ § 11166(a)).
2. Provides that when two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team (PC § 11166(h)(1)).

This Bill

1. Narrows the “team” of persons to only health care providers.
2. Defines “health care provider” as any person licensed or certified pursuant to Division 2 of the BPC, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Act.
3. Requires the selected person of the reporting team that makes the report to list all the names of all the other members of the reporting team.

¹ Penal Code

4. Provides that should the reporter accidentally or inadvertently fail to provide the names of all the other members of the reporting team, he or she shall not be subject to criminal penalties or sanctions.

Background/Purpose

According to the Author's office, "there is currently confusion concerning the duty of mandated reporters to report child abuse when more than one mandated reporter knows of the abuse. Currently law permits them to agree on which one of them will make the report, which creates the potential of a report in fact not being made."

The California Police Chiefs Association states, in part:

(W)hen multiple mandated reporters meet and decide on a single reporter, there is no guarantee the person designated to report will submit the report, or will submit the report with all available detailed information as it would be with each individual reporting their own detailed information independently. Even more concerning is the possibility that the one designated to report might actually be involved in the suspected abuse or neglect, or will conceal details or the identity of someone that is involved due to a personal relationship.

Requested Action

None

AB 790 – Child Abuse: Reporting

Last amended 6/4/13

Author: Gomez

TODAY'S LAW AS AMENDED^{1,2}

SECTION 1.

Section 11166 of the Penal Code is amended to read:

11166.

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, “reasonable suspicion” means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. “Reasonable suspicion” does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any “reasonable suspicion” is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) ~~A~~ *Any* report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) ~~If,~~ *If* after reasonable ~~efforts,~~ *efforts* a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to

¹ The text in this document shows how this bill would change existing law

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

respond to a telephone followup call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the State Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) **A** *Any* mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse ~~and~~ that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) ~~A~~ *Any* commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, ~~shall, immediately~~ *shall immediately*, or as soon as ~~practicably~~ *practically* possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) ~~A~~ *Any* commercial computer technician who has knowledge of or observes, within the scope of his or her professional capacity or employment, any representation of information, data, or an image, including, but not ~~limited to,~~ *limited, to* any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or material are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall

prepare and send, fax, or electronically transmit a written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, “commercial computer technician” includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph ~~(43)~~ (41) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, “electronic medium” includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, “sexual conduct” means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of ~~a~~ any person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, “any other person” includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

(h) (1) When two or more ~~persons,~~ *health care providers*, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. *The person who makes the report pursuant to this subdivision shall provide the names of all the other members of the reporting team, but he or she shall not be subject to*

criminal penalties or other sanctions for failing to include one or more names of those persons if his or her failure to do so is accidental or inadvertent.

(2) For purposes of this subdivision, a “health care provider” means any person licensed or certified pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney’s office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent’s substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney’s office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child’s welfare, or as the result of the failure of a person responsible for the child’s welfare to adequately protect the minor from abuse when the person responsible for the child’s welfare knew or reasonably should have known that the minor was in danger of abuse.

A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

SEC. 2.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

PHYSICAL THERAPY BOARD OF CALIFORNIA

Legislative Analysis

Bill Number	AB 1702	Version	Amd. 4/23/14 (Intro. 2/13/14)
Author	Maienschein	Sponsor	Author
Subject	Professions and Vocations: Incarceration	Status	Assembly Appropriations Committee
Adopted Position			

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Existing Law/Regulation

1. Allows the Board to deny a license based upon any of the following:
 - a. Conviction of a crime;
 - b. Any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another; or,
 - c. Any act that if done by a licentiate of the business or profession in question would be grounds for suspension or revocation of license.

2. Specifies the Board may deny a license only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made (BPC¹ § 480(a)(3)(B)).

3. Specifies unprofessional conduct for which the Board may deny a license includes conviction of a crime that substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapist assistant; and, the commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant (BPC § 2660(e) & (j)).

4. Specifies no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation, as specified, or if he or she has been convicted of a misdemeanor, if he or she has met all applicable requirements of the criteria of rehabilitation develop by the Board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482 (BPC § 480 (b)).

¹ Business and Professions Code

5. Requires each board to develop criteria to evaluate the rehabilitation of a person when considering the denial of a license by the board under Section 480 (BPC § 482).
6. Establishes rehabilitation criteria for denial of reinstatement of licensure (CCR² § 1399.21).

This Bill

1. Specifies that an individual who has satisfied any of the requirements needed to obtain a license while incarcerated and who is otherwise eligible for licensure, shall not be subject to application processing delays or denial of licensure solely based upon the applicant completing some or all of the licensure requirements while incarcerated.
2. Specifies this does not apply to a petition or reinstatement of a license or to limit the ability of the Board to deny a license pursuant to Section 480 of the BPC.
3. Specifies this section does not apply to licensure under the Chiropractic Act.

Background/Purpose

According to the Author's office, "the purpose of [this bill] is to remove any obstacles preventing individuals who have obtained specific job training [and education], while incarcerated, from receiving a license for that particular profession. This bill is necessary because many of the licensing boards have provisions in place to delay or prevent a person with a criminal record from receiving a professional license."

Support and Opposition

Support

American Federation of State, County and Municipal Employees (AFSCME), Local 2620
California Board of Accountancy
California Communities United Institute
California Correctional Peace Officers Association
Legal Services for Prisoners with Children
National Employment Law Project
Riverside Sheriffs' Association
The Los Angeles Probation Officers' Union, AFSCME Local 685
The Women's Foundation

Opposition

None on file

² California Code of Regulations

Comments

Licensure under the Chiropractic Act is exempt from this provision because the Chiropractic Act was created through an initiative measure and cannot be amended or repealed by the Legislature without a vote of approval of the electors.

This bill does not affect the Board as applicants are not denied licensure solely based upon meeting requirements while incarcerated; however, staff will continue to watch for amendments.

Requested Action

None

AB 1702 – Professions and Vocations: Incarceration

Last amended 4/23/14

Author: Maienschein

TODAY'S LAW AS AMENDED^{1,2}

SECTION 1.

Section 480.5 is added to the Business and Professions Code, to read:

480.5.

(a) An individual who has satisfied any of the requirements needed to obtain a license regulated under this division while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing his or her application or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

(b) Nothing in this section shall be construed to apply to a petition for reinstatement of a license or to limit the ability of a board to deny a license pursuant to Section 480.

(c) This section shall not apply to the licensure of individuals under the initiative act referred to in Chapter 2 (commencing with Section 1000) of Division 2.

¹ The text in this document shows how this bill would change existing law

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

PHYSICAL THERAPY BOARD OF CALIFORNIA

Legislative Analysis

Bill Number	AB 1758	Version	Amd. 4/3/14 (Intro. 2/14/14)
Author	Patterson	Sponsor	Author
Subject	Healing Arts: Initial License Fees: Proration	Status	Assembly Appropriations Committee

Adopted Position

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Existing Law/Regulation

1. Requires all agencies that issue a license for a term longer than one year to prorate the initial license fees on a yearly basis (BPC¹ § 134).
2. Sets the initial licensing fee for physical therapists at \$100 (BPC § 2688(c)(2)).
3. Prohibits the Board from requiring an initial license fee that would exceed \$150 (BPC § 2688(c)(3)).
4. Sets forth that every license shall expire every two years at 12 a.m. on the last day of the birth month of the licensee (BPC § 2644(a)).
5. Sets the application and initial licensing fee for physical therapist assistants at \$125 (BPC § 2688(e)(2)).

This Bill

1. Requires boards, as specified, to prorate the initial license fee on a monthly basis.

Background/Purpose

This bill aims to establish equity in initial licensure fees.

According to the Author's office, "various section of the [BPC] state that licenses for acupuncturists, dentists, dental assistants, dental hygienists, podiatrists, dispensing opticians, osteopathic physicians and surgeons, speech-language pathologists and

¹ Business and Professions Code

audiologists, psychologists, physician assistants, and veterinary technicians and veterinarians expire at twelve midnight on the last day of the licensee's birth month on the second year of their second term. These licenses, with some exceptions, are required to pay a full two-year renewal fee when this date occurs after they first receive their licenses. In some cases, if a licensee's birthday falls even one month after initial licensure, that licensee is liable to pay a full renewal fee even if they have just paid to receive their license...For professionals just starting out, full two-year renewal fees that must be paid so soon after licensure present a financial hardship."

Legislative History

SB 2014 (Machado, 2002) would have directed the Medical Board of California (MBC) to prorate its annual licensing fees in cases where the initial licensure period is less than two years.

Status: Senate Appropriations: Held under Submission

SB 1045 (Murray, 2000) would have directed the MBC to prorate its annual licensing fees in cases where the initial licensure period is less than two years.

Status: Held in the Senate

Fiscal Impact

There is a potential increase in revenue to the Board as all monthly prorated initial license fees would be more than that current initial license fee.² However, the increase in revenue would be negated by the need for additional resources to support this process.

Support and Opposition

Support

None on file

Opposition

None on file

Comments

The Board already has an annually prorated initial license fee. The Board's license renewal fee is \$200 for a two-year license term; therefore, the Board established an initial license fee of \$100 in compliance with Section 134.

² Assuming the prorated initial license fee is based on the \$200 renewal fee.

If the Board were to implement monthly prorated initial license fees, the Board's revenue would increase as the current initial license fee is less than the lowest monthly prorated initial license fee that would be charged (13 months). However, this revenue increase would be negated by the additional resources that would be necessary to support this process.

Currently, the Board has no way, other than manually, to calculate the monthly proration. The Board has two options in implementing the monthly prorated initial license fees: 1) manually calculate the fee immediately prior to licensure, which would create a delay in issuing the license; or, 2) charge the full \$200 fee initially, and then refund any overpayment once the license is issued. Both of these options would require shifting of resources from other areas to develop, implement and maintain this system. It is unknown whether BreEZe could support this fee system, or, if it could, what additional programming would be necessary.

Prorated initial license fees would not apply to physical therapist assistants as their fee is for both application processing and initial licensure; they do not pay a separate initial license fee.

Requested Action

To authorize the Executive Officer to informally express support for the concept of the bill, but also communicate the Board's concerns to the DCA and Legislature

AB 1758 – Healing Arts: Initial Licensing Fees: Proration

Last amended 4/03/14

Author: Patterson

TODAY'S LAW AS AMENDED^{1,2}

SECTION 1.

Section 1724 of the Business and Professions Code is amended to read:

1724.

The amount of charges and fees for dentists licensed pursuant to this chapter shall be established by the board as is necessary for the purpose of carrying out the responsibilities required by this chapter as it relates to dentists, subject to the following limitations:

- (a) The fee for application for examination shall not exceed five hundred dollars (\$500).
- (b) The fee for application for reexamination shall not exceed one hundred dollars (\$100).
- (c) The fee for examination and for reexamination shall not exceed eight hundred dollars (\$800). Applicants who are found to be ineligible to take the examination shall be entitled to a refund in an amount fixed by the board.
- (d) The fee for an initial license and for the renewal of a license shall not exceed four hundred fifty dollars (\$450). *The fee for an initial license shall be prorated on a monthly basis.*
- (e) The fee for a special permit shall not exceed three hundred dollars (\$300), and the renewal fee for a special permit shall not exceed one hundred dollars (\$100).
- (f) The delinquency fee shall be the amount prescribed by Section 163.5.
- (g) The penalty for late registration of change of place of practice shall not exceed seventy-five dollars (\$75).
- (h) The application fee for permission to conduct an additional place of practice shall not exceed two hundred dollars (\$200).
- (i) The renewal fee for an additional place of practice shall not exceed one hundred dollars (\$100).
- (j) The fee for issuance of a substitute certificate shall not exceed one hundred twenty-five dollars (\$125).

¹ The text in this document shows how this bill would change existing law

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

(k) The fee for a provider of continuing education shall not exceed two hundred fifty dollars (\$250) per year.

(l) The fee for application for a referral service permit and for renewal of that permit shall not exceed twenty-five dollars (\$25).

(m) The fee for application for an extramural facility permit and for the renewal of a permit shall not exceed twenty-five dollars (\$25).

The board shall report to the appropriate fiscal committees of each house of the Legislature whenever the board increases any fee pursuant to this section and shall specify the rationale and justification for that increase.

SEC. 2.

Section 1944 of the Business and Professions Code is amended to read:

1944.

(a) The committee shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, shall remain in effect until modified by the committee. The fees are subject to the following limitations:

(1) The application fee for an original license and the fee for *the* issuance of an original license shall not exceed two hundred fifty dollars (\$250). *The fee for the issuance of an original license shall be prorated on a monthly basis.*

(2) The fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(3) For third- and fourth-year dental students, the fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(4) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed the actual cost of the examination.

(5) The fee for examination for licensure as a registered dental hygienist in alternative practice shall not exceed the actual cost of administering the examination.

(6) The biennial renewal fee shall not exceed one hundred sixty dollars (\$160).

(7) The delinquency fee shall not exceed one-half of the renewal fee. Any delinquent license may be restored only upon payment of all fees, including the delinquency fee, and compliance with all other applicable requirements of this article.

(8) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall not exceed twenty-five dollars (\$25) or one-half of the renewal fee, whichever is greater.

- (9) The fee for certification of licensure shall not exceed one-half of the renewal fee.
- (10) The fee for each curriculum review and site evaluation for educational programs for dental hygienists who are not accredited by a committee-approved agency shall not exceed two thousand one hundred dollars (\$2,100).
- (11) The fee for each review of courses required for licensure that are not accredited by a committee-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's Office of the California Community Colleges shall not exceed three hundred dollars (\$300).
- (12) The initial application and biennial fee for a provider of continuing education shall not exceed five hundred dollars (\$500).
- (13) The amount of fees payable in connection with permits issued under Section 1962 is as follows:
- (A) The initial permit fee is an amount equal to the renewal fee for the applicant's license to practice dental hygiene in effect on the last regular renewal date before the date on which the permit is issued.
- (B) If the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued.
- (b) The renewal and delinquency fees shall be fixed by the committee by resolution at not more than the current amount of the renewal fee for a license to practice under this article nor less than five dollars (\$5).
- (c) Fees fixed by the committee by resolution pursuant to this section shall not be subject to the approval of the Office of Administrative Law.
- (d) Fees collected pursuant to this section shall be collected by the committee and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund shall, upon appropriation by the Legislature in the annual Budget Act, be used to implement the provisions of this article.
- (e) No fees or charges other than those listed in this section shall be levied by the committee in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.
- (f) The fee for registration of an extramural dental facility shall not exceed two hundred fifty dollars (\$250).
- (g) The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars (\$150).
- (h) The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred fifty dollars (\$250).

(i) The fee for an additional office permit shall not exceed two hundred fifty dollars (\$250).

(j) The biennial renewal fee for an additional office as described in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

(k) The initial application and biennial special permit fee is an amount equal to the biennial renewal fee specified in paragraph (6) of subdivision (a).

(l) The fees in this section shall not exceed an amount sufficient to cover the reasonable regulatory cost of carrying out the provisions of this article.

SEC. 3.

Section 2435 of the Business and Professions Code is amended to read:

2435.

The following fees apply to the licensure of physicians and surgeons:

(a) Each applicant for a certificate based upon a national board diplomate certificate, each applicant for a certificate based on reciprocity, and each applicant for a certificate based upon written examination, shall pay a nonrefundable application and processing fee, as set forth in subdivision (b), at the time the application is filed.

(b) The application and processing fee shall be fixed by the board by May 1 of each year, to become effective on July 1 of that year. The fee shall be fixed at an amount necessary to recover the actual costs of the licensing program as projected for the fiscal year commencing on the date the fees become effective.

(c) Each applicant who qualifies for a certificate, as a condition precedent to its issuance, in addition to other fees required herein, shall pay an initial license fee, if any, in an amount fixed by the board consistent with this section. The initial license fee shall not exceed seven hundred ninety dollars (\$790). *The initial license fee shall be prorated on a monthly basis.* An applicant enrolled in an approved postgraduate training program shall be required to pay only 50 percent of the initial license fee.

(d) The biennial renewal fee shall be fixed by the board consistent with this section and shall not exceed seven hundred ninety dollars (\$790).

(e) Notwithstanding subdivisions (c) and (d), and to ensure that subdivision (k) of Section 125.3 is revenue neutral with regard to the board, the board may, by regulation, increase the amount of the initial license fee and the biennial renewal fee by an amount required to recover both of the following:

(1) The average amount received by the board during the three fiscal years immediately preceding July 1, 2006, as reimbursement for the reasonable costs of investigation and enforcement proceedings pursuant to Section 125.3.

(2) Any increase in the amount of investigation and enforcement costs incurred by the board after January 1, 2006, that exceeds the average costs expended for investigation

and enforcement costs during the three fiscal years immediately preceding July 1, 2006. When calculating the amount of costs for services for which the board paid an hourly rate, the board shall use the average number of hours for which the board paid for those costs over these prior three fiscal years, multiplied by the hourly rate paid by the board for those costs as of July 1, 2005. Beginning January 1, 2009, the board shall instead use the average number of hours for which it paid for those costs over the three-year period of fiscal years 2005–06, 2006–07, and 2007–08, multiplied by the hourly rate paid by the board for those costs as of July 1, 2005. In calculating the increase in the amount of investigation and enforcement costs, the board shall include only those costs for which it was eligible to obtain reimbursement under Section 125.3 and shall not include probation monitoring costs and disciplinary costs, including those associated with the citation and fine process and those required to implement subdivision (b) of Section 12529 of the Government Code.

(f) Notwithstanding Section 163.5, the delinquency fee shall be 10 percent of the biennial renewal fee.

(g) The duplicate certificate and endorsement fees shall each be fifty dollars (\$50), and the certification and letter of good standing fees shall each be ten dollars (\$10).

(h) It is the intent of the Legislature that, in setting fees pursuant to this section, the board shall seek to maintain a reserve in the Contingent Fund of the Medical Board of California in an amount not less than two nor more than four months' operating expenditures.

(i) Not later than January 1, 2012, the Office of State Audits and Evaluations within the Department of Finance shall commence a preliminary review of the board's financial status, including, but not limited to, its projections related to expenses, revenues, and reserves, and the impact of the loan from the Contingent Fund of the Medical Board of California to the General Fund made pursuant to the Budget Act of 2008. The office shall make the results of this review available upon request by June 1, 2012. This review shall be funded from the existing resources of the office during the 2011–12 fiscal year.

SEC. 4.

Section 2538.57 of the Business and Professions Code is amended to read:

2538.57.

The amount of fees and penalties prescribed by this article shall be those set forth in this section unless a lower fee is fixed by the board:

(a) The fee for applicants applying for the first time for a license is seventy-five dollars (\$75), which shall not be refunded, except to applicants who are found to be ineligible to take an examination for a license. Those applicants are entitled to a refund of fifty dollars (\$50).

- (b) The fees for taking or retaking the written and practical examinations shall be amounts fixed by the board, which shall be equal to the actual cost of preparing, grading, analyzing, and administering the examinations.
- (c) The initial temporary license fee is one hundred dollars (\$100). The fee for *an initial temporary license shall be prorated on a monthly basis. The fee for* renewal of a temporary license is one hundred dollars (\$100) for each renewal.
- (d) The initial permanent license fee is two hundred eighty dollars (\$280). The fee for *an initial permanent license shall be prorated on a monthly basis. The fee for* renewal of a permanent license is not more than two hundred eighty dollars (\$280) for each renewal.
- (e) The initial branch office license fee is twenty-five dollars (\$25). The fee for renewal of a branch office license is twenty-five dollars (\$25) for each renewal.
- (f) The delinquency fee is twenty-five dollars (\$25).
- (g) The fee for issuance of a replacement license is twenty-five dollars (\$25).
- (h) The continuing education course approval application fee is fifty dollars (\$50).
- (i) The fee for official certification of licensure is fifteen dollars (\$15).

SEC. 5.

Section 2570.16 of the Business and Professions Code is amended to read:

2570.16.

Initial license and renewal fees shall be established by the board in an amount that does not exceed a ceiling of one hundred fifty dollars (\$150) per year. The *initial license fee shall be prorated on a monthly basis. The* board shall establish the following additional fees:

- (a) An application fee not to exceed fifty dollars (\$50).
- (b) A late renewal fee as provided for in Section 2570.10.
- (c) A limited permit fee.
- (d) A fee to collect fingerprints for criminal history record checks.

SEC. 6.

Section 2688 of the Business and Professions Code is amended to read:

2688.

The amount of fees assessed in connection with licenses issued under this chapter is as follows:

- (a) (1) The fee for an application for licensure as a physical therapist submitted to the board prior to March 1, 2009, shall be seventy-five dollars (\$75). The fee for an

application submitted under Section 2653 to the board prior to March 1, 2009, shall be one hundred twenty-five dollars (\$125).

(2) The fee for an application for licensure as a physical therapist submitted to the board on or after March 1, 2009, shall be one hundred twenty-five dollars (\$125). The fee for an application submitted under Section 2653 to the board on or after March 1, 2009, shall be two hundred dollars (\$200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of an application fee under this subdivision to an amount that does not exceed the cost of administering the application process, but in no event shall the application fee amount exceed three hundred dollars (\$300).

(b) The examination and reexamination fees for the physical therapist examination, physical therapist assistant examination, and the examination to demonstrate knowledge of the California rules and regulations related to the practice of physical therapy shall be the actual cost to the board of the development and writing of, or purchase of the examination, and grading of each written examination, plus the actual cost of administering each examination. The board, at its discretion, may require the licensure applicant to pay the fee for the examinations required by Section 2636 directly to the organization conducting the examination.

(c) (1) The fee for a physical therapist license issued prior to March 1, 2009, shall be seventy-five dollars (\$75).

(2) The fee for a physical therapist license issued on or after March 1, 2009, shall be one hundred dollars (\$100).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of administering the process to issue the license, but in no event shall the fee to issue the license exceed one hundred fifty dollars (\$150).

(4) The fee assessed pursuant to this subdivision for an initial physical therapist license issued on or after January 1, 2015, shall be prorated on a monthly basis.

(d) (1) The fee to renew a physical therapist license that expires prior to April 1, 2009, shall be one hundred fifty dollars (\$150).

(2) The fee to renew a physical therapist license that expires on or after April 1, 2009, shall be two hundred dollars (\$200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the renewal fee under this subdivision to an amount that does not exceed the cost of the renewal process, but in no event shall the renewal fee amount exceed three hundred dollars (\$300).

(e) (1) The fee for application and for issuance of a physical therapist assistant license shall be seventy-five dollars (\$75) for an application submitted to the board prior to March 1, 2009.

(2) The fee for application and for issuance of a physical therapist assistant license shall be one hundred twenty-five dollars (\$125) for an application submitted to the board on or after March 1, 2009. The fee for an application submitted under Section 2653 to the board on or after March 1, 2009, shall be two hundred dollars (\$200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of administering the application process, but in no event shall the application fee amount exceed three hundred dollars (\$300).

(f) (1) The fee to renew a physical therapist assistant license that expires prior to April 1, 2009, shall be one hundred fifty dollars (\$150).

(2) The fee to renew a physical therapist assistant license that expires on or after April 1, 2009, shall be two hundred dollars (\$200).

(3) Notwithstanding paragraphs (1) and (2), the board may decrease or increase the amount of the renewal fee under this subdivision to an amount that does not exceed the cost of the renewal process, but in no event shall the renewal fee amount exceed three hundred dollars (\$300).

(g) Notwithstanding Section 163.5, the delinquency fee shall be 50 percent of the renewal fee in effect.

(h) (1) The duplicate wall certificate fee shall be fifty dollars (\$50). The duplicate renewal receipt fee amount shall be fifty dollars (\$50).

(2) Notwithstanding paragraph (1), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of issuing duplicates, but in no event shall that fee exceed one hundred dollars (\$100).

(i) (1) The endorsement or letter of good standing fee shall be sixty dollars (\$60).

(2) Notwithstanding paragraph (1), the board may decrease or increase the amount of the fee under this subdivision to an amount that does not exceed the cost of issuing an endorsement or letter, but in no event shall the fee amount exceed one hundred dollars (\$100).

SEC. 7.

Section 2987 of the Business and Professions Code is amended to read:

2987.

The amount of the fees prescribed by this chapter shall be determined by the board, and shall be as follows:

(a) The application fee for a psychologist shall not be more than fifty dollars (\$50).

(b) The examination and reexamination fees for the examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.

(c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued. *The initial license fee shall be prorated on a monthly basis.*

(d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400). The board may increase the renewal fee to an amount not to exceed five hundred dollars (\$500).

(e) The application fee for registration and supervision of a psychological assistant by a supervisor under Section 2913, which is payable by that supervisor, shall not be more than seventy-five dollars (\$75).

(f) The annual renewal fee for registration of a psychological assistant shall not be more than seventy-five dollars (\$75).

(g) The duplicate license or registration fee is five dollars (\$5).

(h) The delinquency fee is twenty-five dollars (\$25).

PHYSICAL THERAPY BOARD OF CALIFORNIA

Legislative Analysis

Bill Number	AB 1890	Version	Amd. 4/21/14 (Intro. 2/19/14)
Author	Chau	Sponsor	California Athletic Trainers Association
Subject	Athletic Trainers	Status	Assembly Business, Professions and Consumer Protection Committee

Adopted Position

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Current Law/Regulation

Athletic trainer certification is optional and certification is only offered by the Board of Certification, Inc.

This Bill

1. Makes it unlawful for any person to hold himself or herself out to be an athletic trainer or a certified athletic trainer, or use the term “AT,” “ATC,” or “CAT” to imply or suggest that the person is an athletic trainer, unless he or she meets the following requirements:
 - a. Either
 - i. Graduated from a college or university after completing an athletic trainer education program accredited by the Commission on Accreditation of Athletic Training Education, or its predecessors or successors.
 - ii. Completed eligibility requirements for certification by the Board of Certification, Inc., prior to January 1, 2004.
 - b. Certification by the Board of Certification, Inc.

2. Sets forth that it is an unfair business practice for any person to use the title of “athletic trainer,” “certified athletic trainer,” or any other term that implies or suggests that the person is an athletic trainer, if he or she does not meet the specified requirements.

3. Sets forth that a person who has practiced athletic training in California for a period of twenty consecutive years prior to January 1, 2015, and who is not

otherwise eligible to use the title of “athletic trainer,” may use the title “athletic trainer.”

Legislative History

AB 864 (Skinner, 2013) would have established the Athletic Training Practice Act and created the Athletic Trainer Licensing Committee under the Physical Therapy Board.

Status: Assembly Appropriations: Held under Submission

SB 1273 (Lowenthal, 2012) would have established the Athletic Training Practice Act and created the Athletic Trainer Licensing Committee under the Physical Therapy Board.

Status: Held in Business, Professions, and Economic Development Committee

AB 374 (Hayashi, 2011) would have provided title protection for athletic trainers.

Status: Bill amended to address an unrelated issue

AB 1647 (Hayashi, 2010) would have provided title protection for athletic trainers.

Status: Vetoed by Governor

SB 248 (Lowenthal, 2007) would have provided for registration of athletic trainers.

Status: Vetoed by Governor

SB 1397 (Lowenthal, 2006) would have provided for registration of athletic trainers.

Status: Vetoed by Governor

Requested Action

None

AB 1890 – Athletic Trainers

Last amended 4/28/14

Author: Chau

TODAY'S LAW AS AMENDED^{1,2}

SECTION 1.

Chapter 2.7 (commencing with Section 18898) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 2.7. Athletic Trainers

18898.

(a) A person shall not hold himself or herself out to be an athletic trainer or a certified athletic trainer, or use the term "AT," "ATC," or "CAT" to imply or suggest that the person is an athletic trainer, unless he or she meets the following requirements:

(1) He or she has done either of the following:

(A) Graduated from a college or university after completing an athletic training education program accredited by the Commission on Accreditation of Athletic Training Education, or its predecessors or successors.

(B) Completed eligibility requirements for certification by the Board of Certification, Inc., prior to January 1, 2004.

(2) He or she is certified by the Board of Certification, Inc.

(b) It is an unfair business practice within the meaning of Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 for any person to use the title of "athletic trainer," "certified athletic trainer" or any other term, such as "certified," "licensed," "registered," "AT," "ATC," or "CAT," that implies or suggests that the person is an athletic trainer, if he or she does not meet the requirements of subdivision (a).

18899.

Notwithstanding Section 18898, a person who has practiced athletic training in California for a period of 20 consecutive years prior to January 1, 2015, and who is not otherwise eligible to use the title of "athletic trainer," may use the title "athletic trainer."

¹ The text in this document shows how this bill would change existing law

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

PHYSICAL THERAPY BOARD OF CALIFORNIA

Legislative Analysis

Bill Number	AB 2165	Version	Amd. 4/10/14 (Intro. 2/20/14)
Author	Patterson	Sponsor	Author
Subject	Professions and Vocations: Licenses	Status	Assembly Business, Professions and Consumer Protection Committee

Adopted Position

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Existing Law/Regulation

1. Defines “board” as the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency” (BPC § 22).
2. Sets forth that the Board shall evaluate the qualifications of applicants for licensure, provide for the examinations of physical therapists and physical therapist assistants, and issue all licenses for the practice of physical therapy in California (BPC¹ § 2605).
3. Requires the Board to inform an applicant whether his or her application is complete and accepted for filing or is deficient and what specific information is required within thirty days of receipt of the application (CCR² § 1398.24 [PT U.S. Grad], § 1398.27 [PT Foreign Trained], § 1398.42 [PTA]).

This Bill

1. Requires every board, as defined in Section 22, to within 45 days 1) complete the application review process and 2) issue a license to the applicant, if the applicant has satisfied all of the requirements.
2. Defines that an applicant has satisfied all the requirements for licensure only if all of the documents required by the licensing board for licensure have been

¹ Business and Professions Code

² California Code of Regulations

submitted to the board, regardless of whether they come from the directly applicant or from another person or entity.

3. Requires every board, as defined in Section 22, to offer a required licensure exam a minimum of six times per year, unless the board uses a national examination.
4. Sets forth that a person who has satisfied the education requirements of which he or she seeks licensure may immediately apply for any take the professional examination required for licensure upon completion of educational requirements, regardless of whether his or her application for licensure is then pending with the Board.

Comments

Individuals would be unable to sit for the exam prior to filing an application with the Board as the Board confirms exam eligibility for the Federation of State Board of Physical Therapy (FSBPT), the administrator of the exam.

Requested Action

None

AB 2165 – Professions and Vocations: Licenses

Last amended 4/10/14

Author: Patterson

TODAY'S LAW AS AMENDED^{1,2}

SECTION 1.

Section 101.8 is added to the Business and Professions Code, to read:

101.8.

(a) Notwithstanding any other law, every board, as defined in Section 22, within 45 days following the filing date of an application with the board for issuance of a license, as defined in Section 23.7, to engage in the business or profession regulated by that board, the board shall do both of the following:

(1) Complete the application review process.

(2) If the applicant has satisfied all of the requirements for licensure under the applicable licensing act, issue the applicant the applicable license.

(b) For purposes of paragraph (2) of subdivision (a), an applicant has satisfied all of the requirements for licensure under the applicable licensing act only if all of the documents required by the licensing board for licensure have been submitted to the board, regardless of whether those documents are to be submitted by the applicant with his or her application or separately by any other person or entity, such as for purposes of, among other things, verification of completion of the applicant's coursework, training, or clinical experience, if required under the applicable licensing act.

(c) Every board that offers an examination that an applicant is required to complete successfully for licensure, shall offer that examination a minimum of six times per year, unless the board uses a national examination.

(d) Notwithstanding any other law, a person who has satisfied the educational requirements of the licensing act of which he or she seeks licensure, such as graduation from a state-approved or state-accredited school of which graduation is required by the applicable licensing act, may immediately apply for and take the professional examination required for licensure, regardless of whether his or her application for licensure is then pending with the board for which he or she seeks licensure.

¹ The text in this document shows how this bill would change existing law

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

PHYSICAL THERAPY BOARD OF CALIFORNIA

Legislative Analysis

Bill Number	SB 1159	Version	Amd. 4/7/14 (Intro. 2/20/14)
Author	Lara	Sponsor	Author
Subject	Prof and Voc.: License Applicants: Federal Tax ID Number	Status	Senate Appropriations
Adopted Position			

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Existing Law

1. Defines “board” as the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency” (BPC¹ § 22).
2. Requires all boards, as defined in Section 22, and the State Bar and the Department of Real Estate to require a social security number, or a federal employer identification number for partnerships, at the time of issuance of a license (BPC § 30(a)).
3. Authorizes boards to not process any application for a license unless the applicant or licensee provides its federal employer identification number, or social security number, as appropriate, where requested on the application (BPC § 30(c)).
4. Provides that it is the intent of the Legislature to utilize the social security number or federal employer identification number for the purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Section 17520 of the Family Code (FC) and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes (BPC § 30(j)).
5. Defines “certified list” as a list provided by the local child support agency to the Department of Child Support Services in which the local child support agency verifies, under penalty of perjury, that the names contained therein are support

¹ Business and Professions Code

obligors found to be out of compliance with a judgment or order for support in a case being enforced under Title IV-D of the Social Security Act (FC § 17520(a)(3)).

6. Requires all boards, as specified in this section, to collect social security numbers from all applicants for the purposes of matching the names on the certified list to applicants and licensees and of responding to requests for this information made by child support agencies (FC § 17520(d)).
7. Requires a board, upon the request of the Franchise Tax Board (FTB), to furnish the federal employer identification number or social security number (RTC² § 19528).
8. Sets forth that a one hundred dollar penalty be assessed for failing to provide the FTB with a federal employer identification number, or social security number as required by Section 30 of the Business and Professions Code and Section 1666.5 of the Insurance Code (RTC § 19528).

This Bill

1. Requires that, at the time of issuance of initial or renewal license, an applicant provide its federal employer identification number, if the applicant is a partnership, or the applicant's federal taxpayer identification number or social security number, if one has been issued, for all other applicants.
2. Provides that, in addition to the penalty prescribed in paragraph (2) of subdivision (b) of Section 19528 of the Revenue and Taxation Code (RTC), a board shall not process an applicant for an initial license unless the applicant provides its federal employer identification number, or federal taxpayer identification number or social security number, if one has been issued to the individual.
3. Requires a board, upon request of the FTB, to furnish the federal taxpayer identification number, if one has been issued.
4. Provides that it is the intent of the Legislature to utilize the social security number or federal taxpayer identification number, if one has been issued, for the purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Section 17520 of the Family Code and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes.

Background/Purpose

According to the Author, Business and Professions Code section 30 currently requires professional licensing boards to request, and applicants to provide, social security

² Revenue and Taxation Code

numbers for the issuance of a professional license; thereby limiting who may apply and obtain a professional license in California. The Author argues that this section is now inconsistent with section of the Business and Professions Code recently amended by AB 1024 (Gonzalez) in 2013 and AB 1822 (Berryhill) in 2012.

The Author states that while the requirement for a social security number was intended to ensure the payment and collection of taxes associated with the practice of the profession under the given license, the requirement has created inconsistencies and ambiguity in the law. "While in some sections of the B&P Code (Sec. 6064 and Sec. 5550.5) we authorize an individual access to a professional license, regardless of immigration status, in another section we still require that same individual to provide a social security number in order to access the license."

Related Legislation

AB 1024 (Gonzalez, 2013) authorizes the Supreme Court to admit an applicant, who is not lawfully present in the United States, to practice law upon certification by the examining committee of the State Bar of California that the applicant has fulfilled requirements for admission.

Status: Chaptered – Chapter 573, Statutes of 2013

AB 1822 (Berryhill, 2012) Amends the Architects Practice Act to authorize submission of an individual tax identification number or another identification number in place of a social security number where the applicant is not eligible for a social security number

Status: Chaptered – Chapter 317, Statutes of 2012

Support and Opposition

Support

None on file

Opposition

None on file

Comments

Staff has identified two concerns with the current language:

Issue #1

It is unclear whether individual may apply for licensure if a federal taxpayer identification number or social security number has not been issued. The language currently states one must be provided "if one has been issued." The DCA is seeking to clarify this with the Author.

Issue #2

Current language would require licensees to provide their federal taxpayer identification number or social security number for each renewal. The DCA is seeking to clarify this with the Author.

Requested Action

To authorize the Executive Officer to communicate the Board's concerns to the DCA and Legislature

SB 1159 – Professions and Vocations: License Applicants: Federal Tax Identification Number

Last amended 4/7/14

Author: Lara

TODAY'S LAW AS AMENDED^{1,2}

SECTION 1.

Section 30 of the Business and Professions Code is amended to read:

30.

(a) Notwithstanding any other law, any board, as defined in Section 22, and the State Bar and the Bureau of Real Estate shall at the time of issuance of ~~the~~ *an initial or renewal* license require that the *licensee applicant* provide its federal employer identification number, if the *licensee applicant* is a partnership, or ~~his or her social security number for all others.~~ *the applicant's federal taxpayer identification number or social security number, if one has been issued, for all other applicants.*

(b) Any *licensee applicant* failing to provide the federal ~~identification-~~ *employer identification number, or the federal taxpayer identification* number or social security ~~number-~~ *number, if one has been issued to the individual,* shall be reported by the licensing board to the Franchise Tax ~~Board and, if failing-~~ *Board. If the applicant fails* to provide *that information* after notification pursuant to paragraph (1) of subdivision (b) of Section 19528 of the Revenue and Taxation Code, *the applicant* shall be subject to the penalty provided in paragraph (2) of subdivision (b) of Section 19528 of the Revenue and Taxation Code.

(c) In addition to the penalty specified in subdivision (b), a licensing board ~~may shall~~ not process ~~any an~~ application for an ~~original initial~~ license unless the applicant ~~or licensee-~~ provides its federal employer identification *number, or federal taxpayer identification* number or social security ~~number-~~ *number, if one has been issued to the individual,* where requested on the application.

(d) A licensing board shall, upon request of the Franchise Tax Board, furnish to the Franchise Tax Board the following information with respect to every licensee:

(1) Name.

(2) Address or addresses of record.

(3) Federal employer identification number if the ~~entity licensee~~ is a ~~partnership or social security number for all others.~~ *partnership, or the licensee's federal taxpayer*

¹ The text in this document shows how this bill would change existing law

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

identification number or social security number, if one has been issued to the individual, for all other licensees.

(4) Type of license.

(5) Effective date of license or a renewal.

(6) Expiration date of license.

(7) Whether license is active or inactive, if known.

(8) Whether license is new or a renewal.

(e) For the purposes of this section:

(1) "Licensee" means ~~any~~ *a person or* entity, other than a corporation, authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(2) "License" includes a certificate, registration, or any other authorization needed to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(3) "Licensing board" means any board, as defined in Section 22, the State Bar, and the Bureau of Real Estate.

(f) The reports required under this section shall be filed on magnetic media or in other machine-readable form, according to standards furnished by the Franchise Tax Board.

(g) Licensing boards shall provide to the Franchise Tax Board the information required by this section at a time that the Franchise Tax Board may require.

(h) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government ~~Code, the social security number and federal employer identification-~~ *Code a federal employer identification number, federal taxpayer identification number, or social security* number furnished pursuant to this section shall not be deemed to be a public record and shall not be open to the public for inspection.

(i) Any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a), or any former officer or employee or other individual who in the course of his or her employment or duty has or has had access to the information required to be furnished under this section, may not disclose or make known in any manner that information, except as provided in this section to the Franchise Tax Board or as provided in subdivision (k).

(j) It is the intent of the Legislature in enacting this section to utilize the ~~social security account number or federal employer identification-~~ *federal employer identification number, federal taxpayer identification number, or social security* number for the purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Section 17520 of the Family Code and, to that end, the

information furnished pursuant to this section shall be used exclusively for those purposes.

(k) If the board utilizes a national examination to issue a license, and if a reciprocity agreement or comity exists between the State of California and the state requesting release of the *federal taxpayer identification number or* social security number, any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a) may release a *federal taxpayer identification number or* social security number to an examination or licensing entity, only for the purpose of verification of licensure or examination status.

(l) For the purposes of enforcement of Section 17520 of the Family Code, and notwithstanding any other ~~provision of~~ law, any board, as defined in Section 22, and the State Bar and the Bureau of Real Estate shall at the time of issuance of the license require that each licensee provide the ~~social security number~~ *federal taxpayer identification number or social security number, if any has been issued to the licensee*, of each individual listed on the license and any person who qualifies the license. For the purposes of this subdivision, "licensee" means any entity that is issued a license by any board, as defined in Section 22, the State Bar, the Bureau of Real Estate, and the Department of Motor Vehicles.

SEC. 2.

Section 19528 of the Revenue and Taxation Code is amended to read:

19528.

(a) Notwithstanding any other ~~provision of~~ law, the Franchise Tax Board may require any board, as defined in Section 22 of the Business and Professions Code, and the State Bar, the Bureau of Real Estate, and the Insurance Commissioner (hereinafter referred to as licensing board) to provide to the Franchise Tax Board the following information with respect to every licensee:

- (1) Name.
- (2) Address or addresses of record.
- (3) Federal employer identification ~~number (if number, if the entity licensee is a partnership) or social security number (for all others).~~ *partnership, or the licensee's federal taxpayer identification number or social security number, if any has been issued, of all other licensees.*
- (4) Type of license.
- (5) Effective date of license or renewal.
- (6) Expiration date of license.
- (7) Whether license is active or inactive, if known.
- (8) Whether license is new or renewal.

(b) The Franchise Tax Board may do the following:

(1) Send a notice to any licensee failing to provide the ~~identification number~~ *federal employer identification number, federal taxpayer identification number*, or social security number as required by subdivision (a) of Section 30 of the Business and Professions Code and subdivision (a) of Section 1666.5 of the Insurance Code, describing the information that was missing, the penalty associated with not providing it, and that failure to provide the information within 30 days will result in the assessment of the penalty.

(2) After 30 days following the issuance of the notice described in paragraph (1), assess a one hundred dollar (\$100) penalty, due and payable upon notice and demand, for any licensee failing to provide either its federal employer identification number (if the licensee is a partnership) or his or her social security number (for all others) as required in Section 30 of the Business and Professions Code and Section 1666.5 of the Insurance Code.

(c) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, the information furnished to the Franchise Tax Board pursuant to Section 30 of the Business and Professions Code or Section 1666.5 of the Insurance Code shall not be deemed to be a public record and shall not be open to the public for inspection.

PHYSICAL THERAPY BOARD OF CALIFORNIA

Legislative Analysis

Bill Number	AB 2598	Version	Intro. 2/21/14
Author	Hagman	Sponsor	Author
Subject	DCA: Administrative Expenses	Status	Assembly Business, Professions and Consumer Protection Committee

Adopted Position

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Existing Law

1. Permits the Department of Consumers (DCA) to charge a board, on a pro rate basis, for its estimated administrative expenses, not to exceed the available balance in any appropriation for any one fiscal year, at the direction of the DCA director with the approval of the Department of Finance (BPC¹ § 201).
2. Prohibits the use of one board's funds to pay the expenses of any other board (BPC § 202).

This Bill

1. Requires DCA to charge pro rata costs based on the number of filled position working for a board rather than allocated positions.
2. Requires DCA to charge pro rata on a monthly basis (currently charged annually).
3. Prohibits the State Controller from drawing funds from a board's budget pro rata share of total administrative expenses for any fiscal year in an aggregate amount that exceeds twenty percent of a board's budget for that fiscal year.

Background/Purpose

According to the Author's office, "the Department of Consumer Affairs (DCA) provides centralized administrative services to all boards, committees, commissions and bureaus (boards). Most of these services are funded through a pro-rata calculation that is based

¹ Business and Professions Code

on the number of allocated positions that board are statutorily allowed to have, without taking into consideration if those positions are actually filled or not. Other functions and services provided to the boards by the DCA (i.e. call center services, complaint resolution, and correspondence unit) are based on the past year's usage."

"In a budget document release by the Governor, the DCA revealed what percentage of every board's budget is used to pay pro-rata. The current formula has resulted in some board paying upwards of forty percent of their total budget to the Department, for services and staff positions that they are not necessarily utilizing. Budget restraints do not allow boards to adequately or efficiently perform their duty to protect California consumers. Efficiency in government is essential to bringing about a wave of economic prosperity in California. This is impossible if agencies under the DCA are required to pay astronomical amount to the DCA for services that they are not using. It is time to bring balance to the system and reevaluate how pro-rata is assessed, so that these agencies can effectively perform the duties required of them."

Support and Opposition

Support

None on file

Opposition

None on file

Comments

According to the Department of Consumer Affairs, changing the calculation from filled to authorized positions would not substantially affect most boards; this would be the case for the Board.

AB 2598 – DCA: Administrative Expenses

Last amended 2/21/14

Author: Hagman

TODAY'S LAW AS AMENDED^{1,2}

SECTION 1.

Section 201 of the Business and Professions Code is repealed.

~~201.~~

~~A charge for the estimated administrative expenses of the department, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share basis against any of the funds of any of the boards, bureaus, commissions, divisions, and agencies, at the discretion of the director and with the approval of the Department of Finance.~~

SEC. 2.

Section 201 is added to the Business and Professions Code, to read:

201.

The department shall make a claim to the Controller each month against any of the funds of a board for that board's pro rata share of the department's estimated monthly administrative expenses. The pro rata charge shall be based on the amount of filled positions working for a board and shall not be based on the number of positions allocated to the board.

SEC. 3.

Section 202 of the Business and Professions Code is amended to read:

202.

(a) Upon proper presentation of ~~claims-~~ *a monthly claim made pursuant to Section 201* by the department to the ~~State-~~ Controller, the ~~State-Controller shall-~~ *Controller shall, in an amount not to exceed the available balance in an appropriation,* draw his or her warrant against any of the funds of any one of the boards to cover its *pro rata* share of the estimated *monthly* administrative expenses of the department. The *Controller shall not draw warrants to pay the department for a board's pro rata share of total administrative expenses for any fiscal year in an aggregate amount that exceeds 20 percent of a board's budget for that fiscal year.* The fund of one board shall not be used to pay the expenses of any other board.

(b) ~~Nothing in this-~~ *This* section or ~~in-~~ Section 401 shall *not* prohibit the transfer of funds for a release time bank of any board, commission, or bureau of the department

¹ The text in this document shows how this bill would change existing law

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

pursuant to a memorandum of understanding on the same terms and conditions applicable to other state agencies.

PHYSICAL THERAPY BOARD OF CALIFORNIA

Legislative Analysis

Bill Number	SB 1258	Version	Amd. 4/23/14 (Intro. 2/21/14)
Author	DeSaulnier	Sponsor	Author
Subject	Controlled Substances: Prescriptions: Reporting	Status	Assembly
Adopted Position			

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Enrolled	Vetoed	Chaptered	Effective Date	2 yr./ Dead
1 st House				2 nd House								

Red: Current/completed status Gray: Not applicable

Note: This bill contains a number of provisions; however, this analysis specifically focuses on the ability for Department of Consumer Affairs' (DCA) investigators to access the Controlled Substances Utilization Review and Evaluation System (CURES) information.

Existing Law

1. Defines "controlled substance" as a drug, substance, or immediate precursor which is listed in any schedule in Section 11054, 11055, 11056, 11057, or 11058 (HSC¹ § 1107).
2. Classifies controlled substances in five schedules according to their danger and potential for abuse (HSC §§ 11054-11058).
3. Establishes the CURES for electronic monitoring of Schedule II, III and IV controlled substance prescriptions (HSC § 11165).
4. States the CURES provides for the electronic transmission of Schedule II, III and IV controlled substance prescription information to the Department of Justice (DOJ) at the time prescriptions are dispensed to assist health care practitioner in their efforts to ensure appropriate prescribing, ordering, administering, furnishing, and dispensing of controlled substances; law enforcement and regulatory agencies in their efforts to control diversion and resultant abuse of Schedule II, III, and IV controlled substances; and, for statistical analysis, education, and research (HSC § 11165).

¹ Health and Safety Code

5. Provides that a licensed health care practitioner authorized to prescribe, order, administer, and furnish, or dispense Schedule II, III, or IV controlled substances pursuant to Section 11150 shall, before January 1, 2016, or upon receipt of a federal Drug Enforcement Administration registration, whichever occurs later, submit an application to participate in the CURES program (HSC § 11165.1).
6. Requires health care providers who prescribe Schedule II, III, IV controlled substances to record, and maintain for three years, patient information including name, address, telephone number, gender and birth date; prescriber's license and number; National Drug Code number of controlled substance dispensed; quantity dispensed; diagnosis code, if available; number of refills; whether drug was dispensed as a refill or first-time request; and, the date or origin of the prescription (HSC §§ 11190(c) and 11191).

This Bill

Among other things,

1. Authorizes an individual designated by a board, bureau, or program within the DCA who is investigating the alleged substance abuse of an applicant or licensee, to submit an application for approval to access CURES information.
2. Requires that the application contain facts demonstrating the probable cause to believe the licensee has violated a law governing controlled substances.
3. Requires DOJ, upon approval, to release the electronic history of controlled substances dispensed to the applicant or licensee based on data contained in the CURES to the investigating individual.

Background/Purpose

According to the Author's office, automated prescription drug management programs (PDMP) like CURES are a valuable investigative, preventative, and educational tool for healthcare providers, law enforcement, and regulatory boards. The Author believes that increased protections and changes to current law are needed to prevent prescription drug abuse and to make the PDMP a better tool to assist in this effort.

Related Legislation

SB 809 (DeSaulnier, 2012) established a funding mechanism to update and maintain CURES, required all prescribing health care practitioners to apply to access CURES information, and established processes and procedures for regulating prescribing licensees through CURES and securing private information.

Status: Chaptered – Chapter 400, Statutes of 2013

Comments

CURES would be a useful resource for the Board's enforcement unit in determining whether substance abuse exists and, if it does, the degree of abuse.

SB 1258 – Controlled Substances: Prescriptions: Reporting

Last amended 4/23/14

Author: DeSaulnier

TODAY'S LAW AS AMENDED^{1,2}

SECTION 1.

Section 4071 of the Business and Professions Code is amended to read:

4071.

Notwithstanding any other ~~provision of~~ law, a prescriber may authorize his or her agent on his or her behalf to orally or electronically transmit a prescription to the furnisher. The furnisher shall make a reasonable effort to determine ~~that~~ *whether* the person who transmits the prescription is authorized to do so and shall record the name of the authorized agent of the prescriber who transmits the order.

~~This section shall not apply to orders for Schedule II controlled substances.~~

SEC. 2.

Section 4072 of the Business and Professions Code is amended to read:

4072.

(a) Notwithstanding any other ~~provision of~~ law, a pharmacist, registered nurse, licensed vocational nurse, licensed psychiatric technician, or other healing arts licentiate, if so authorized by administrative regulation, who is employed by or serves as a consultant for a licensed skilled nursing, intermediate care, or other health care facility, may orally or electronically transmit to the furnisher a prescription lawfully ordered by a person authorized to prescribe drugs or devices pursuant to Sections 4040 and 4070. The furnisher shall take appropriate steps to determine ~~that~~ *whether* the person who transmits the prescription is authorized to do so and shall record the name of the person who transmits the order. This section ~~shall~~ *does* not apply to *oral* orders for Schedule II controlled substances.

(b) In enacting this section, the Legislature recognizes and affirms the role of the State Department of Public Health in regulating drug order processing requirements for licensed health care facilities as set forth in Title 22 of the California Code of Regulations as they may be amended from time to time.

SEC. 3.

Section 11151 of the Health and Safety Code is amended to read:

11151.

¹ The text in this document shows how this bill would change existing law

² Blue, italic text is added to existing law; and, red, strikethrough text is being repealed from existing law

A prescription ~~written~~ *issued* by an unlicensed person lawfully practicing medicine pursuant to Section 2065 of the Business and Professions Code, shall be filled only at a pharmacy maintained in the hospital which employs ~~such that~~ unlicensed person.

SEC. 4.

Section 11158 of the Health and Safety Code is amended to read:

11158.

(a) Except as provided in Section ~~11159 or~~ *11159, 11159.1, 11159.2, 11167, or 11167.5, or* in subdivision (b) of this section, ~~no a~~ controlled substance classified in Schedule II shall *not* be dispensed without a prescription meeting the requirements of this chapter. Except as provided in Section ~~11159 or~~ *11159, 11159.1, 11159.2, 11167, or 11167.5, or* when dispensed directly to an ultimate user by a practitioner, other than a pharmacist or pharmacy, ~~no a~~ controlled substance classified in Schedule III, IV, or V ~~may shall not~~ be dispensed without a prescription meeting the requirements of this chapter.

(b) A practitioner specified in Section 11150 may dispense directly to an ultimate user a controlled substance classified in Schedule II in an amount not to exceed a 72-hour supply for the patient in accordance with directions for use given by the dispensing practitioner only ~~where if~~ the patient is not expected to require any additional amount of the controlled substance beyond the 72 hours. ~~Practitioners dispensing drugs pursuant to this subdivision shall meet the requirements of subdivision (f) of Section 11164.~~

(c) Except as otherwise prohibited or limited by law, a practitioner specified in Section 11150, may administer controlled substances in the regular practice of his or her profession.

SEC. 5.

Section 11164 of the Health and Safety Code is amended to read:

11164.

Except as provided in Section ~~11167, no person shall~~ *11158, 11159, 11159.1, 11159.2, 11167, or 11167.5, a person shall not* prescribe a controlled substance, nor shall any person fill, compound, or dispense a prescription for a controlled substance, unless it complies with the requirements of this section.

(a) ~~Each (1) (A) Except as provided in subparagraph (B), commencing January 1, 2016, a~~ prescription for a controlled substance classified in Schedule II, III, IV, or ~~V, except as authorized by subdivision (b),~~ *V* shall be made ~~on a controlled substance prescription form as specified in Section 11162.1 and shall meet the following requirements:~~ *by an electronically transmitted prescription that complies with regulations promulgated by the United States Drug Enforcement Administration, which shall be produced in hard copy form and signed and dated by the pharmacist filling the prescription or by any other person expressly authorized by provisions of the Business and Professions Code. Any person who transmits, maintains, or receives any electronically transmitted prescription shall ensure the security, integrity, authority, and confidentiality of the prescription.*

(B) For medical practices with two or fewer physicians, and for medical providers in underserved rural areas, the requirements in subparagraph (A) shall apply commencing January 1, 2017.

(2) A prescription issued pursuant to this subdivision shall meet the following requirements:

~~(1) (A)~~ The prescription shall ~~be signed and dated by the prescriber in ink and shall~~ contain the prescriber's address and telephone number; the name of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services; refill information, such as the number of refills ordered and whether the prescription is a first-time request or a refill; and the name, quantity, strength, and directions for use of the controlled substance prescribed.

~~(2) (B)~~ The prescription shall ~~also~~ contain the address of the person for whom the controlled substance is prescribed. If the prescriber does not specify this address on the prescription, the pharmacist filling the prescription or an employee acting under the direction of the pharmacist shall ~~write or type~~ *include* the address on the prescription or maintain this information in a readily retrievable form in the pharmacy.

(3) Pursuant to an authorization of the prescriber, an agent of the prescriber on behalf of the prescriber may electronically transmit a prescription for a controlled substance classified in Schedule II, III, IV, or V, if the prescription specifies the name of the agent of the prescriber transmitting the prescription.

~~(b) (1) Notwithstanding paragraph (1) of subdivision (a) of Section 11162.1, any A prescription for a controlled substance classified in Schedule II, III, IV, or V, may be written on a controlled substance prescription form as specified in Section 11162.1, or for a controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be produced in hard copy form and signed and dated by the pharmacist filling the prescription or by any other person expressly authorized by provisions of the Business and Professions Code. Any person who transmits, maintains, or receives any electronically transmitted prescription shall ensure the security, integrity, authority, and confidentiality of the prescription. V, may be made orally, if technological failure prevents the electronic transmission of a prescription pursuant to subdivision (a) or if the prescription will be filled by a pharmacist located outside of California, provided that the order contains all information required by subdivision (a) and, if the prescription is written on a controlled substance prescription form, is signed and dated by the prescriber in ink.~~

~~(2) The date of issue of the prescription and all the information required for a written prescription by subdivision (a) shall be included in the written record of the prescription; the pharmacist need not include the address, telephone number, license classification, or federal registry number of the prescriber or the address of the patient on the hard copy, if that information is readily retrievable in the pharmacy.~~

~~(3) (2) Pursuant to an~~ If a prescriber is permitted to make an oral prescription pursuant to this section, pursuant to an authorization of the prescriber, ~~any an~~ agent of the prescriber on behalf of the prescriber may orally ~~or electronically~~ transmit a prescription for a controlled substance classified in Schedule ~~II~~, III, IV, or V, if ~~in these cases~~ the written record of the prescription ~~required by this subdivision~~ specifies the name of the agent of the prescriber transmitting the prescription.

(c) The use of commonly used abbreviations shall not invalidate an otherwise valid prescription.

(d) Notwithstanding any provision of subdivisions (a) and (b), prescriptions for a controlled substance classified in Schedule V may be for more than one person in the same family with the same medical need.

~~(e) This section shall become operative on January 1, 2005.~~

SEC. 6.

Section 11164.1 of the Health and Safety Code is amended to read:

11164.1.

(a) (1) Notwithstanding any other ~~provision of~~ law, a prescription for a controlled substance issued by a prescriber in another state for delivery to a patient in another state may be dispensed by a California pharmacy, if the prescription conforms with the requirements for controlled substance prescriptions in the state in which the controlled substance was prescribed.

(2) All prescriptions for Schedule II, Schedule III, *Schedule IV*, and Schedule ~~IV~~ V controlled substances dispensed pursuant to this subdivision shall be reported by the dispensing pharmacy to the Department of Justice in the manner prescribed by subdivision (d) of Section 11165.

(b) Pharmacies may dispense prescriptions for Schedule III, Schedule IV, and Schedule V controlled substances from out-of-state prescribers pursuant to Section 4005 of the Business and Professions Code and Section 1717 of Title 16 of the California Code of Regulations.

SEC. 7.

Section 11164.5 of the Health and Safety Code is amended to read:

11164.5.

(a) ~~Notwithstanding Section 11164, with the approval of the California State Board of Pharmacy and the Department of Justice, a~~ A pharmacy or hospital ~~may~~ *shall* receive electronic data transmission prescriptions or computer entry prescriptions or orders as specified in Section 4071.1 of the Business and Professions Code, for controlled substances in Schedule II, III, IV, or V ~~if authorized by federal law and~~ in accordance with regulations promulgated by the *United States* Drug Enforcement Administration. ~~The California State Board of Pharmacy shall maintain a list of all requests and approvals granted pursuant to this subdivision.~~

(b) Notwithstanding ~~Section 11164, if approved pursuant to subdivision (a), paragraph (1) of subdivision (a) of Section 11164,~~ a pharmacy or hospital receiving an electronic transmission prescription or a computer entry prescription or order for a controlled substance classified in Schedule II, III, IV, or V ~~shall is not be~~ required to reduce that prescription or order to writing or to hard copy form, if for three years from the last day of dispensing that prescription, the pharmacy or hospital is able, upon request of the board or the Department of Justice, to immediately produce a hard copy report that includes for each date of dispensing of a controlled substance in Schedules II, III, IV, and V pursuant to the prescription all of the information described in subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a) of Section 4040 of the Business and Professions Code and the name or identifier of the pharmacist who dispensed the controlled substance.

(c) ~~Notwithstanding Section 11164, if~~ *if* only recorded and stored electronically, on magnetic media, or in any other computerized form, the pharmacy's or hospital's computer system shall not permit the received information or the controlled substance dispensing information required by this section to be changed, obliterated, destroyed, or disposed of, for the record maintenance period required by law, once the information has been received by the pharmacy or the hospital and once the controlled substance has been dispensed, respectively. Once the controlled substance has been dispensed, if the previously created record is determined to be incorrect, a correcting addition may be made only by or with the approval of a pharmacist. After a pharmacist enters the change or enters his or her approval of the change into the computer, the resulting record shall include the correcting addition and the date it was made to the record, the identity of the person or pharmacist making the correction, and the identity of the pharmacist approving the correction.

(d) Nothing in this section shall be construed to exempt any pharmacy or hospital dispensing Schedule II controlled substances pursuant to electronic transmission prescriptions from existing reporting requirements.

SEC. 8.

Section 11165 of the Health and Safety Code is amended to read:

11165.

(a) To assist health care practitioners in their efforts to ensure appropriate prescribing, ordering, administering, furnishing, and dispensing of controlled substances, law enforcement and regulatory agencies in their efforts to control the diversion and resultant abuse of Schedule II, Schedule III, *Schedule IV*, and Schedule ~~IV~~ *V* controlled substances, and for statistical analysis, education, and research, the Department of Justice shall, contingent upon the availability of adequate funds in the CURES Fund, maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of, and Internet access to information regarding, the prescribing and dispensing of Schedule II, Schedule III, *Schedule IV*, and Schedule ~~IV~~ *V* controlled substances by all practitioners authorized to prescribe, order, administer, furnish, or dispense these controlled substances.

(b) The Department of Justice may seek and use grant funds to pay the costs incurred by the operation and maintenance of CURES. The department shall annually report to the Legislature and make available to the public the amount and source of funds it receives for *the* support of CURES.

(c) (1) The operation of CURES shall comply with all applicable federal and state privacy and security laws and regulations.

(2) CURES shall operate under existing ~~provisions of~~ law to safeguard the privacy and confidentiality of patients. Data obtained from CURES shall only be provided to appropriate state, local, and federal public agencies for disciplinary, civil, or criminal purposes and to other agencies or entities, as determined by the Department of Justice, for the purpose of educating practitioners and others in lieu of disciplinary, civil, or criminal actions. Data may be provided to public or private entities, as approved by the Department of Justice, for educational, peer review, statistical, or research purposes, provided that patient information, including any information that may identify the patient, is not compromised. Further, data disclosed to ~~any an~~ individual or agency as described in this subdivision shall not be disclosed, sold, or transferred to ~~any a~~ third party. The Department of Justice shall establish policies, procedures, and regulations regarding the use, access, evaluation, management, implementation, operation, storage, disclosure, and security of the information within CURES, consistent with this subdivision.

(d) For each prescription for a Schedule II, Schedule III, *Schedule IV*, or Schedule ~~IV~~ *V* controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, *1308.14*, and ~~1308.14~~, *1308.15*, respectively, of Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the Department of Justice as soon as reasonably possible, but not more than seven days after the date a controlled substance is dispensed, in a format specified by the Department of Justice:

(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the ultimate user.

(2) The prescriber's category of licensure, license number, ~~national provider identifier~~ *National Provider Identifier* (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) International Statistical Classification of Diseases, 9th revision (ICD-9) or 10th revision (ICD-10) Code, if available.

(7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Date of origin of the prescription.

(10) Date of dispensing of the prescription.

(e) The Department of Justice may invite stakeholders to assist, advise, and make recommendations on the establishment of rules and regulations necessary to ensure the proper administration and enforcement of the CURES database. All prescriber and dispenser invitees shall be licensed by one of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, in active practice in California, and a regular user of CURES.

(f) The Department of Justice shall, prior to upgrading CURES, consult with prescribers licensed by one of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, one or more of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, and any other stakeholder identified by the department, for the purpose of identifying desirable capabilities and upgrades to the CURES Prescription Drug Monitoring Program (PDMP).

(g) The Department of Justice may establish a process to educate authorized subscribers of the CURES PDMP on how to access and use the CURES PDMP.

SEC. 9.

Section 11165.1 of the Health and Safety Code is amended to read:

11165.1.

(a) (1) (A) (i) A health care practitioner authorized to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, *Schedule IV*, or Schedule ~~IV~~ V controlled substances pursuant to Section 11150 shall, before January 1, 2016, or upon receipt of a federal Drug Enforcement Administration (DEA) registration, whichever occurs later, submit an application developed by the Department of Justice to obtain approval to access information online regarding the controlled substance history of a patient that is stored on the Internet and maintained within the Department of Justice, and, upon approval, the department shall release to that practitioner the electronic history of controlled substances dispensed to an individual under his or her care based on data contained in the CURES Prescription Drug Monitoring Program (PDMP).

(ii) A pharmacist shall, before January 1, 2016, or upon licensure, whichever occurs later, submit an application developed by the Department of Justice to obtain approval to access information online regarding the controlled substance history of a patient that

is stored on the Internet and maintained within the Department of Justice, and, upon approval, the department shall release to that pharmacist the electronic history of controlled substances dispensed to an individual under his or her care based on data contained in the CURES PDMP.

(iii) An individual designated by a board, bureau, or program within the Department of Consumer Affairs to investigate a holder of a professional license may, for the purpose of investigating the alleged substance abuse of a licensee, submit an application developed by the Department of Justice to obtain approval to access information online regarding the controlled substance history of a licensee that is stored on the Internet and maintained within the Department of Justice, and, upon approval, the department shall release to that individual the electronic history of controlled substances dispensed to the licensee based on data contained in the CURES PDMP. The application shall contain facts demonstrating the probable cause to believe the licensee has violated a law governing controlled substances.

(B) An application may be denied, or a subscriber may be suspended, for reasons which include, but are not limited to, the following:

(i) Materially falsifying an application for a subscriber.

(ii) Failure to maintain effective controls for access to the patient activity report.

(iii) Suspended or revoked federal DEA registration.

(iv) Any subscriber who is arrested for a violation of law governing controlled substances or any other law for which the possession or use of a controlled substance is an element of the crime.

(v) Any subscriber accessing information for any other reason than caring for his or her patients.

(C) Any authorized subscriber shall notify the Department of Justice within 30 days of any changes to the subscriber account.

(2) A health care practitioner authorized to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, *Schedule IV*, or Schedule ~~IV~~ V controlled substances pursuant to Section 11150 or a pharmacist shall be deemed to have complied with paragraph (1) if the licensed health care practitioner or pharmacist has been approved to access the CURES database through the process developed pursuant to subdivision (a) of Section 209 of the Business and Professions Code.

(b) Any request for, or release of, a controlled substance history pursuant to this section shall be made in accordance with guidelines developed by the Department of Justice.

(c) In order to prevent the inappropriate, improper, or illegal use of Schedule II, Schedule III, *Schedule IV*, or Schedule ~~IV~~ V controlled substances, the Department of Justice may initiate the referral of the history of controlled substances dispensed to an

individual based on data contained in CURES to licensed health care practitioners, pharmacists, or both, providing care or services to the individual.

(d) The history of controlled substances dispensed to an individual based on data contained in CURES that is received by ~~a practitioner or pharmacist~~ *an authorized subscriber* from the Department of Justice pursuant to this section shall be considered medical information subject to the provisions of the Confidentiality of Medical Information Act contained in Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code.

(e) Information concerning a patient's controlled substance history provided to ~~a prescriber or pharmacist~~ *an authorized subscriber* pursuant to this section shall include prescriptions for controlled substances listed in Sections 1308.12, 1308.13, ~~1308.14~~, and ~~1308.14~~ *1308.15* of Title 21 of the Code of Federal Regulations.

SEC. 10.

Section 11165.5 of the Health and Safety Code is amended to read:

11165.5.

(a) The Department of Justice may seek voluntarily contributed private funds from insurers, health care service plans, qualified manufacturers, and other donors for the purpose of supporting CURES. Insurers, health care service plans, qualified manufacturers, and other donors may contribute by submitting their payment to the Controller for deposit into the CURES Fund established pursuant to subdivision (c) of Section 208 of the Business and Professions Code. The department shall make information about the amount and the source of all private funds it receives for support of CURES available to the public. Contributions to the CURES Fund pursuant to this subdivision shall be nondeductible for state tax purposes.

(b) For purposes of this section, the following definitions apply:

(1) "Controlled substance" means a drug, substance, or immediate precursor listed in any schedule in Section 11055, 11056, *11057*, or ~~11057~~ *11058* of the Health and Safety Code.

(2) "Health care service plan" means an entity licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

(3) "Insurer" means an admitted insurer writing health insurance, as defined in Section 106 of the Insurance Code, and an admitted insurer writing workers' compensation insurance, as defined in Section 109 of the Insurance Code.

(4) "Qualified manufacturer" means a manufacturer of a controlled substance, but does not mean a wholesaler or nonresident wholesaler of dangerous drugs, regulated pursuant to Article 11 (commencing with Section 4160) of Chapter 9 of Division 2 of the Business and Professions Code, a veterinary food-animal drug retailer, regulated pursuant to Article 15 (commencing with Section 4196) of Chapter 9 of Division 2 of the Business and Professions Code, or an individual regulated by the Medical Board of

California, the Dental Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Registered Nursing, the Physician Assistant Committee of the Medical Board of California, the Osteopathic Medical Board of California, the State Board of Optometry, or the California Board of Podiatric Medicine.

SEC. 11.

Section 11166 of the Health and Safety Code is amended to read:

11166.

~~No~~ A person shall *not* fill a prescription for a controlled substance after six months has elapsed from the date ~~written on~~ the prescription *was issued* by the prescriber. ~~No~~ A person shall *not* knowingly fill a mutilated or forged or altered prescription for a controlled substance except for the addition of the address of the person for whom the controlled substance is prescribed as provided by paragraph ~~(3)~~ (2) of subdivision (b) of Section 11164.

SEC. 12.

Section 11200 of the Health and Safety Code is amended to read:

11200.

(a) ~~No~~ A person shall *not* dispense or refill a controlled substance prescription more than six months after the date thereof.

(b) (1) Except as provided in paragraph (2), a person shall not prescribe a controlled substance, nor shall a person fill, compound, or dispense a prescription for a controlled substance, in a quantity exceeding a 30-day supply.

(2) A person may prescribe a controlled substance, and a person may fill, compound, or dispense a prescription for a controlled substance, in a quantity not exceeding a 90-day supply if the prescription is issued in the treatment of one of the following:

(A) A panic disorder.

(B) Attention deficit disorder.

(C) A chronic debilitating neurologic condition characterized as a movement disorder or exhibiting seizure, convulsive, or spasm activity.

(D) Pain in patients with conditions or diseases known to be chronic or incurable.

(E) Narcolepsy.

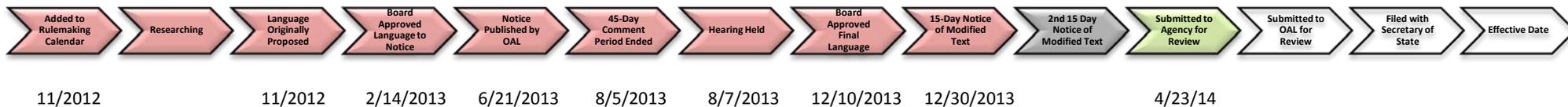
(F) Any other condition or circumstance for which the physician determines is a medical necessity, provided the reason for the medical necessity is noted in the prescription and in the patient's medical record.

~~(b)~~ (c) ~~No~~ (1) A prescription for a Schedule III or IV substance ~~may~~ *shall not* be refilled more than five times and in an amount, for all refills of that prescription taken together, exceeding a 120-day supply.

~~(c)~~ (2) ~~No~~ A prescription for a Schedule II substance ~~may~~ *shall not* be refilled.

(d) A person shall not issue a prescription for a controlled substance, nor shall a person fill, compound, or dispense a prescription for a controlled substance, for an ultimate user for whom a previous prescription for that controlled substance was issued within the immediately preceding 30 days until the ultimate user has exhausted all but a seven-day supply of that controlled substance filled, compounded, or dispensed from the previous prescription. This subdivision does not prohibit an ultimate user from being issued multiple prescriptions, each for a different controlled substance, at a given time.

Guidelines for Issuing Citations and Imposing Discipline/Uniform Standards Regarding Substance-Abusing Healing Arts Licensees CCR 1399.15



OAL No.: Notice File No. Z-2013-0611-02

Notes:

Items on 2014 Rulemaking Calendar – No progress report

- Update of Regulations
- Physical Therapy Business Requirements
- Continuing Competency
- Telehealth

Processing Times

- The “Added to Rulemaking Calendar” date is the date the Board adopts the Rulemaking Calendar.
- A rulemaking file must be completed within one year of the publication date of the Notice of Proposed Action. The OAL issues the Notice File Number upon filing the Notice of Proposed Action.
- The DCA is allowed thirty calendar days to review the rulemaking file prior to submission to the Dept. of Finance (DOF).
- The DOF is allowed thirty days to review the rulemaking file prior to submission to the OAL.
- The OAL is allowed thirty working days to review the file and determine whether to approve or disapprove it. The OAL issues the Regulatory Action Number upon submission of the rulemaking file for final review.
- Pursuant to Government Code section 11343.4, as amended by Section 2 of Chapter 295 of the Statutes of 2012 (SB 1099, Wright), regulation effective dates are as follows:

<u>Date Filed with the Secretary of State</u>	<u>Effective Date</u>
September 1 st – November 30 th	January 1 st
December 1 st – February 29 th	April 1 st
March 1 st – May 31 st	July 1 st
June 1 st – August 31 st	October 1st



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

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Issue Paper

Date: April 7, 2014

Prepared for: PTBC Members

Prepared by: Debra Alviso, Board Member
Martha Jewell, Board Member

Subject: Board Communication with PT/PTA Education Programs

Issue:

Can PTBC improve communication with physical therapy educational programs and as a result, with applicants, improving service and efficiency?

Background:

Communication needs: Faculty and students of physical therapy education programs have frequent need for communication with PTBC. Much of this communication is related to application for licensure:

- questions regarding logistics of initial licensure application
- certification of completion of education (P1E)
- follow-up on application status
- approval to sit for NPTE(National Physical Therapy Licensure Exam), or CLE(California Law Exam)
- issuance and verification of license

Other needs include:

- to stay informed of changes in statute/regulations governing practice in CA
- practice issue questions for professional education of students
- information regarding practicing as "license applicant"- restrictions, etc.

In return, PTBC has similar a need to communicate with the students/institutions. Much of the communication is to respond to the above, but also includes:

- requests for missing items from an application
- explanation of processing, timeframes, unique processing in certain instances
- changes in the physical therapy practice act
- providing programs with feedback on NPTE, CLE pass rates
- changes in exam administration- example- exam dates, new forms, processes

Agenda Item # 11 – Board Communication with PT/PTA Education Programs

The PTBC website is a good source of information including FAQs regarding the application process. Many times, the FAQs have not been accessed, or do not address the unique aspect of an individual's inquiry. For this reason, additional, individual communication is often needed.

This communication currently occurs via telephone, email, or regular mail. Many of these modes do not always lead to timely contact/response. Because of the similarity of some requests, there is also repetition in responses.

Changes in demand: The volume and characteristics of contacts to PTBC has grown considerably over the last few years-

- **more licensees**
 - **new requirements-** cont. comp. program alone added significantly to the number of contacts PTBC receives and generates.
 - **fixed date testing** resulted in new processes by PTBC, FSBPT- compressed application and processing time, unique deadlines based on new exam dates each year.
 - **increase in physical therapy education programs in CA-** Currently in CA there are 14 Physical Therapist and 11 Physical Therapist Assistant programs accredited by CAPTE.
-

Analysis:

An identified portion of inquiries to PTBC is related to initial application, examination and license issuance. Many of the inquiries are similar- time frames, deadlines, information, verification of receipt, status.

Currently communication is reactive, or demand driven- it is individual and based on request. The demand and need for communication has changed over the last few years as noted above.

New, proactive methods of communication should be considered.

- There may be some benefit in directed communication with the programs of instruction. General timeline information could be relayed along the application process.
- Updates could be issued- this would be proactive communication and might reduce need for some contacts. This may ultimately improve efficiency of seeking and dispensing information.

Possible Communication Modes for Directed Contact

- email- list serv "email blast"
- webinar
- teleconference
- "annual education report"- tailored information- report on exams, exam updates, regulatory information, resources
- Annual conference- in-person
- website- customized section- update (strategic) FAQ
- mailed communication

Agenda Item # 11 – Board Communication with PT/PTA Education Programs

- video library

Future communication ideas: The ideas of proactive communication can be expanded to include topics noted above including practice act changes and as a mechanism to solicit feedback from educational programs. Additional useful topics will likely be identified in the process of developing this directed communication.

Strategies developed in communication with educational programs and applicants will provide valuable experience for improving communication with licensees and consumers.

Feasibility and Projects-in-process: There are many projects underway for PTBC- BreEZe, website updates etc. The PTBC Executive Officer will provide information on various projects on the horizon that can improve communication. He will also comment on the feasibility of other directed contact projects.

Action Requested:

Through the next few months and this year's "graduation season" PTBC can gather information on two fronts:

- educational programs- enhance database of program specifics, needs for communication and ability to distribute information.
- PTBC can gather information on frequent requests- and begin to form a strategy of directed communication.

For simplicity and to foster a relatively quick implementation, email blast type announcements should be considered as the initial mode.

PTBC should explore the additional modes of contact including an annual report/webinar/conference.

Possible Motions:

- **To direct staff and the President to research the need and feasibility of directed contact with physical therapy education programs and report back at a future meeting.**
- **To direct staff and the President to develop a strategy of directed contact with physical therapy educational institutions for possible first-phase implementation in August 2014.**



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Issue Paper

Date: 5/7/14

Prepared for: PTBC Members

Prepared by: Martha Jewell and Debra Alviso

Subject: License categories, exemptions, renewals, etc

Purpose:

To review license categories, exemptions etc in current statute and regulations, and to identify areas that may need clarification, further definition or further regulation.

Background:

Over the last three years several changes in statute and regulations have resulted in additional category of license (inactive and retired) and exemptions to fees and or continuing competency requirements. There may be inconsistencies in regulations that may need to be addressed.

Analysis:

Table one lists the license types or categories. Table two summarizes the possible licensure exemptions. There appear to be several areas that may need clarification.

1. Should there be a time limit for the number of renewals of an inactive license, if so what should it be? Or do we assume that licensees will convert to retired status?
2. Is it clear that in order to renew an inactive license the Continuing Competency (CC) requirement is 30 hours total not per each renewal period the license was inactive?
3. Can a retired license ever be activated and if so under what circumstances?
4. Do there need to be specific written request forms where written requests are required? This would require a change in regulation to use a specific form.
5. When we discuss 'exempt' what do we mean? There appear to be situations where exempt refers to exempt from licensure in California, exempt from the renewal fee and/or exempt from CC.
6. Is it clear that the PTBC has authority to discipline each of these categories and exemptions?

7. Is a renewal form required every two years for categories such as inactive and retired or for the exempt due to military service and if so is this clearly understood?
 8. Are there other questions that arise upon review of this data?
-

Action Requested:

Determine if and where clarification is needed. Determine how best to accomplish this, e.g. clarification of existing information provided to licensees, draft new regulations, add to FAQ. And if determined to be necessary, charge the Board and staff to clarify current available information and/or draft the necessary regulations to accomplish this.

Footnotes to table II:

- (1) The Board may not require a form unless specified in regulations. Some forms are provided on the website for voluntary use or as a guide to content of the written request.
- (2) If still unable to meet the Continuing Competency requirements licensee must apply for inactive status.

EXEMPTION	LICENSE TYPE	HOW TO ACQUIRE	ABILITY TO PRACTICE	EXEMPTION RENEWAL	RENEWAL FEE	CONTINUING COMPETENCY	TIME LIMIT
PT, PTA STUDENTS	NOT LICENSED	IN AN ACCREDITED PROGRAM	UNDER SUPERVISION	N/A	N/A	N/A	UNTIL GRADUATION
PT	LICENSED IN ANOTHER JURISDICTION	WRITTEN REQUEST	TEACHING, CONSULTING, TREATING ATHLETIC OR ARTISTIC TEAM	NOT RENEWABLE	NOT RENEWABLE	NO	60 DAYS
PTA	LICENSED IN ANOTHER JURISDICTION	WRITTEN REQUEST	ASSISTING PT IN THE ABOVE	NOT RENEWABLE	NOT RENEWABLE	NO	60 DAYS
PT, PTA FORCED EVACUATION FROM CURRENT LOCATION	LICENSED IN ANOTHER JURISDICTION	WRITTEN REQUEST	YES	NOT RENEWABLE	NOT RENEWABLE	NO	60 DAYS
ACTIVE MILITARY REMOTE LOCATION	CA	WRITTEN REQUEST	RELATED TO ACTIVE DUTY	REGULAR RENEWAL FORM	NO	NO	60 DAYS AFTER DISCHARGE
VOLUNTEER	CA	WRITTEN REQUEST	ONLY VOLUNTARY, UNPAID SERVICES	RENEWABLE	NO	YES	1 RENEWAL PERIOD
EXEMPT FROM CE	CA	WRITTEN REQUEST (DURING PREVIOUS RENEWAL PERIOD IF 1 YEAR OUT OF COUNTRY, OR OUT OF CA IN MILITARY, OR FOR HEALTH REASONS)	YES	NOT RENEWABLE	YES	NO	1 RENEWAL PERIOD



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Briefing Paper

Date: May 5, 2014
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: PTBC Board Member Administrative Manual

Purpose:

To update the Physical Therapy Board of California's (Board) Board Member Administrative Manual (Manual)

Background:

The Manual was adopted by the Board on November 2, 2011 to guide the actions of the Board to ensure effectiveness and efficiency.

Analysis:

By its nature, the Manual requires periodic revisions and updates as policies, procedures, and authority references change. Board policy sets forth that the Manual can be amended by a majority of affirmative votes of any current or future Board. Therefore, the Board must approve all changes to the Manual.

Changes to the Manual can be substantive, e.g., to add/amend/repeal a policy or, non-substantive, e.g., to update the names of the Board members. When a substantive change is warranted, staff presents the proposed change with history and references to the Board for consideration and possible action. Without further delegation, this same process is necessary for non-substantive changes as well, which may become tedious and cumbersome for the Board.

Two policies were adopted by the Board outside the adoption of the Manual – HR (previously TRV) 08-11 and LEG 05-12. These policies have since been incorporated in the

Manual with other substantive and non-substantive changes made by staff. The amended Manual is being presented to Board for consideration.

Staff proposes to track the changes to the Manual by chapter. This will allow the Board to, when considering revisions, address just the particular chapter(s) of the Manual up for discussion instead of the Manual in its entirety.

Action Requested:

Adopt the Manual as amended, including authority delegation to staff to make non-substantive changes to the Manual.

PHYSICAL THERAPY BOARD OF CALIFORNIA



Board Member Administrative Manual

~~2012~~2014



STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

Members of the Board

Debra J. Alviso, PT, DPT – President

~~Martha J. Jewell, PT, Ph.D. – Vice President~~ Sara Takii, PT, DPT – Vice-President

~~Donald A. Chu, PT, Ph.D., ATC, CSCS~~

~~Sara Takii, PT, DPT~~ Martha Jewell, PT, Ph.D.

Alicia Rabena-Amen, PT, MPT

Katarina Eleby

James E. Turner, MPA

Carol A. Wallisch, MA, MPH

Executive Officer

~~Rebecca Marco~~ Jason Kaiser

This manual is a general reference including laws, regulations and basic Board policies to guide the actions of Board members to ensure Board effectiveness and efficiency.

This Administrative Procedure Manual, regarding Board Policy, can be amended by a majority of affirmative votes of any current or future Board. The Board delegates authority to staff to make non-substantive changes as necessary.

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Chapter I. Introduction

Acronyms / Definitions

- ALJ Administrative Law Judge
- B & P Business and Professions Code
- CPS Consumer Protection Services
- D of I Division of Investigation
- DCA Department of Consumer Affairs
- G. C. Government Code
- BOARD Physical Therapy Board of California
- SAM State Administrative Manual

Mission Statement ~~The mission of the Physical Therapy Board of California is to promote and protect the interests of the people of California by the effective and consistent administration and enforcement of the Physical Therapy Practice Act.~~

The mission of the Physical Therapy Board of California is to advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

Overview In 1953 the Physical Therapy Examining Committee was created by Chapter 1823, statutes of 1953 (AB1001). While the name has been changed to the Physical Therapy Board of California (Board), the charge to the Board by the legislature has always been protecting the public from the incompetent, unprofessional and criminal practice of physical therapy since its inception. The Board is one of approximately 36 regulatory entities which exist under the organizational structure of the Department of Consumer Affairs (DCA). The Board has a close and cooperative relationship with DCA.

The Board consists of seven members (four licensed physical therapists and three public members) who serve four-year terms (a maximum of two consecutive terms). The Governor appoints the four licensed physical therapists and one public member. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member.

The Board appoints an executive officer as its administrator. The executive officer serves solely in the interest of the consumers of physical therapy services in California, as does the Board. The executive officer oversees the board's staff and ensures that all of its programs function efficiently and effectively.

The Board is funded solely by fees and fines paid by our licenses and applicants.

General Rules of Conduct Board members shall not speak to interested parties (such as vendors, lobbyists, legislators, or other governmental entities) on behalf of the Board or act for the Board without proper authorization.

Board members shall maintain confidentiality of information received in closed session.

Board members shall commit ~~the~~ time to prepare for Board meeting responsibilities. This includes ~~the~~ reviewing ~~of~~ Board meeting minutes, administrative cases ~~to be reviewed and discussed~~, and ~~the review of~~ any other materials provided to the Board members by staff, which is related to official Board business.

Board members shall respect and recognize the equal role and responsibilities of all Board members, whether public or professional.

Board members shall act fairly and in a nonpartisan, impartial, and unbiased manner.

Board members shall treat all applicants and licensees in a fair and impartial manner.

Board members' actions shall uphold the Board's primary mission – protection of the public.

Board members shall not use their positions on the Board for political, personal, familial, or financial gain. Any employment subsequent to employment as a Board member shall be consistent with Executive Order 66-2.

All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times.

Chapter II. Board Meeting Procedures

Frequency of Meetings

(B&P Code § 2611
~~and Board Policy~~)

The Board shall ~~hold at least one regular meeting annually in the cities of Sacramento, Los Angeles and San Francisco. meet at least three time each year, meeting at least once in northern California and once in southern California.~~

(Open Meeting Act¹)

Special meetings of the Board may be held at such times and locations as the Board deems necessary.

(Open Meeting Act)

Due notice of each meeting and the time and place thereof shall be given ~~each member~~ in the manner provided by the law.

Board Member Attendance at Board Meetings

(Board Policy and B&P Code § 106)

Board members shall attend each meeting of the Board. If a member is unable to attend, he or she must contact the Board President and ask to be excused from the meeting for a specific reason. The Governor has the power to remove from office any member appointed by him for continued neglect of duties, which may include unexcused absences from meetings.

Board members shall attend the entire meeting and allow sufficient time to conduct all Board business at each meeting.

Public Attendance at Board Meetings

(G. C. §11120 et. seq.)

Meetings are subject to all provisions of the ~~Bagley-Keene~~ Open Meetings Act. This act governs meetings of state regulatory boards and meetings of committees or task forces of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the agenda contains matters which are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

¹ Bagley-Keene Open Meeting Act

Chapter II

Quorum ~~The majority~~Four members of ~~the~~ Board ~~members~~ shall constitute a quorum for the transaction of business.
(~~Board Policy~~B&P § 2611)

The concurrence of a majority of those members of the Board present and voting at a duly noticed meeting at which a quorum is present shall be necessary to constitute an act or decision of the Board.

Agenda Items Any Board member may submit items for a meeting agenda during the "Future Agenda Items" section of a Board meeting or directly to the Executive Officer not fewer than 30 days prior to the meeting with the approval of the Board President or Chair of the Committee or Task Force.
(*Board Policy*)

The public may submit an item for consideration for a future meeting agenda. The item shall be submitted not fewer than 30 days prior to the meeting and must be approved by the Board President to be added to a future meeting agenda.

Notice of Meetings In accordance with the Open Meetings Act, meeting notices (including agendas for Board, Committee, or Task Force meetings) shall be sent to persons on the Board's mailing list at least 10 calendar days in advance. The notice shall include the name, work address, e-mail address, and work telephone number of a staff person who can provide further information prior to the meeting.
(*G. C. §11120 et seq.*)

Notice of Meetings to be Posted on the Internet Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.
(*Government Code section 11125 et seq.*)

Record of Meetings The Board and each Committee or Task Force shall keep an official record of all their proceedings. The minutes are a summary, not a transcript, of each Board, Committee or Task Force meeting. They shall be prepared by staff and submitted to members for review before the next meeting. Minutes shall be
(*G.C. § 6254 (a)*)

submitted for approval at the next scheduled meeting of the Board, Committee or Task Force. Draft minutes are not public documents until approved by the Board. When approved, the minutes shall serve as the official record of the meeting.

~~Tape Electronic~~ Recording
(Board Policy)

The meeting may be ~~tape~~ electronically recorded, ~~whether by video or tape audio, if determined necessary for staff purposes.~~ Tape Electronic recordings will be disposed of upon approval of the minutes in accordance with the Board’s record retention schedule.

(G.C. § 11124.1 (b))

Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

Meeting Rules
(Board Policy)

The Board will use Robert’s Rules of Order, to the extent that it does not conflict with state law (e.g. ~~Bagley-Keene~~ Open Meeting Act), as a guide when conducting its meetings.

Public Comment
(Open Meetings Act & Board Policy)

Public comment is always encouraged and allowed, however, if time constraints mandate, the comments may be limited to a time specified by the Board President per person.

Due to the need for the Board to maintain fairness and neutrality when performing their adjudicative function, the Board shall not receive any substantive information from a member of the public regarding any matter that is currently under or subject to investigation or involves a pending criminal or administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with substantive information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information, and the person shall be

instructed to refrain from making such comments.

**Public Comment
(continued)**
(Board Policy)

2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct, involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
 - a. Where the allegation involves errors of procedure or protocol, the Board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
 - b. Where the allegation involves significant staff misconduct, the Board may request the person to put the allegation in writing and send it to the Executive officer of the Board or the Director of DCA who may forward the allegation to ~~D of~~ Division of Investigation (DOI) or CHP for investigation.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting.
4. At the discretion of the Board President or Chair of the Committee, speakers may be limited in the amount of time to present to give adequate time to everyone who wants to speak. In the event the number of people wishing to address the Board exceeds the allotted time, the Board President or Chair of the Committee may limit each speaker to a statement of his/her name, organization, and whether they support or do not support the proposed action

(G.C. § 11125.7 (a), (b), (c))

Mail Ballots (G. C. § 11500 et seq.) The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

Proposed stipulations and decisions are mailed to each Board member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A 10 calendar day deadline generally is given for the mail ballots for stipulations and proposed decisions to be completed and returned to the Board's office.

**Holding Disciplinary Cases
for Board Meetings**
(Board Policy)

When voting on mail ballots for proposed disciplinary decisions or stipulations, a Board member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail ballot. This allows staff the opportunity to prepare information being requested.

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

Chapter III. Travel & Salary Policies & Procedures

Travel Approval
(DCA Memorandum 96-01)

The Board President's approval is required for all Board members for travel, except for travel to regularly scheduled Board, Committee, or Task Force meetings to which the Board member is assigned.

Approval of Unscheduled Travel
(Board Policy)

The President of the Board will be responsible for approving all unscheduled travel plans submitted by Board members and staff. Unscheduled travel plans will be submitted in writing to the Executive Officer for perspective and feasibility. The Executive Officer will ~~seek~~ the ~~seek~~ approval of the President.

Travel Arrangements
(Board Policy)

Board members should make their own travel arrangements but are encouraged to coordinate with Board staff on lodging accommodations.

Out-of-State Travel
(SAM section 700 et seq.)

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by receipts, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the State of California is controlled by and must be approved by the Governor's Office.

Travel Claims
(SAM section 700 et seq. and DCA Memorandum 96-01)

Rules governing reimbursement of travel expenses for Board members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms or through CalATERS (California Automated Travel Expense Reimbursement System). If Board members use paper claims, Board staff maintain these forms and complete them as needed. Board members should submit their travel expense forms or information in CalATERS immediately after returning from a trip and no later than two weeks following the trip.

For the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Departmental Memoranda, which are periodically disseminated by the ~~Executive Officer~~ Administrative Services Manager, or his or her designee ~~and are provided to Board members.~~

Salary Per Diem Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by B&P Code Section 103, which states

(B&P Code § 103, 2606 & Board Policy)

~~“Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money. Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.”~~

In relevant part, this section provides for the payment of salary per diem for Board members “for each day actually spent in the discharge of official duties,” and provides that the Board member “shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”

(Board Policy) Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members, except for attendance at an official Board, committee or task force unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board, Committee, or Task Force meetings, in which a substantial official service is performed, shall be approved in advance by the Board President. The Executive Officer shall be notified of the event and approval shall be obtained from the Board President prior to Board member’s attendance.

Salary Per Diem (Board Policy)

Continued

2. The term “day actually spent in the discharge of official duties” shall mean such time as is expended from the commencement of a Board, Committee, or Panel meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave a meeting early, the Board President shall determine if the member has provided a substantial service during the meeting, and if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For Board-specified work, Board members will be compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences. It includes preparation time for Board, Committee, or Task Force meetings.

(Board Policy HR 08-11) Pursuant to Board Policy TRV 08-11, it is the Board’s intent that a member shall receive a per diem for the day for any work performed within the 24-hour period.

Chapter IV. Selection of Officers & Committees

- Officers of the Board** (B&P Code § 2604) The Board shall select a President and a Vice-President annually.
- Election of Officers** (Board Policy) The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year beginning the next calendar year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.
- Officer Vacancies** (Board Policy) If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the President becomes vacant, the Vice President shall assume the office of the President. Elected officers then shall serve the remainder of the term.
- Committee or Task Force Appointments** (Board Policy) The Board President shall establish Committees, whether standing or special, as he or she deems necessary. The composition of the Committees and the appointment of the members shall be determined by the Board President in consultation with the Vice President, and the Executive Officer. Committees may include the appointment of non-Board members.
- Attendance at Board Meetings** (G. C. §11120 et seq.) If a Board member wishes to attend a meeting of a Committee or Task Force of which he or she is not a member that Board member should notify the Committee or Task Force chair and staff. Board members who are not members of the Committee or Task Force that is meeting cannot vote during the Committee or Task Force meeting and may participate only as observers if a majority of the Board is present at a Committee meeting.

- Board Member Addresses**
(Board Policy) Board member addresses, email addresses and telephone numbers are confidential and shall not be released to the public without expressed authority of the individual Board member. However, if the Board member is a licensed licensee with the Board, their addresses of record-are available to the public upon request in accordance with the Public Records Act. Also, if a teleconference is held from the home of a Board member, the address, of where the teleconference occurs, must be published. Board issued email addresses are not confidential.
- Board Member Written Correspondence and Mailings**
(Board Policy) All correspondence, press releases, articles, memoranda or any other communication written by any Board member in his or her official capacity must be provided to the Executive Officer.
- Communications: Other Organizations /Individuals/Media**
(Board Policy) All communications relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board President, his or her designee, or the Executive Officer. Any Board member who is contacted by any of the above should inform the Board President or Executive Officer who shall then inform the Office of Public Relations of the contact.

Chapter V. Board Administration & Staff

Board Administration Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer. Board members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

(DCA Reference Manual)

Executive Officer The Board may appoint an Executive Officer. The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, in accordance with the provisions of the ~~Bagley-Keene~~ Open Meeting Act.

(B & P Code § 2607.5 & [Open Meeting Act](#))

Executive Officer Evaluation Board members shall evaluate the performance of the Executive Officer at least on an annual basis.

(Board Policy)

Board Staff Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day personnel transactions.

(DCA Reference Manual)

Chapter V

- Experts - Consultants**
(Board Policy) The Board requires special services, certain content experts, or consultants for specific project and problems. Such services are arranged by means of state approved contracts established in the standard ways. Consistent with state law, such individuals may not serve as members of subcommittees; nor may they function as (e.g.,) ex officio members of the Board.
- Board Budget**
(Board Policy) The Executive Officer or the Executive Officer's designee will attend and testify at the legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.
- Business Cards**
(Board Policy) Business cards will be provided to each Board member with the Board's name, address, telephone number, fax number, Web site address and e-mail address.
- Strategic Planning**
(Board Policy) The Board will conduct periodic strategic planning sessions.
- Projects/Approval for New Projects**
(Board Policy) The President of the Board will be responsible for approving all new projects submitted by Board members and staff. New projects will be submitted in writing to the Executive Officer for perspective and feasibility.

Legislation - Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation

(Board Policy)

The Board will adopt the following positions regarding pending or proposed legislation.

Oppose: The Board will actively oppose proposed legislation and demonstrate opposition through letters, testimony and other action necessary to communicate the oppose position taken by the Board.

Oppose, unless amended: The Board will take an opposed position and actively lobby the legislature to amend the proposed legislation.

Neutral: The Board neither supports nor opposes the addition/amendment/repeal of the statutory provision(s) set forth by the bill.

Watch: The watch position adopted by the Board will indicate concern regarding the proposed legislation. The Board staff and members will closely monitor the progress of the proposed legislation and amendments.

Support, if amended: The Board will take a supportive position and actively lobby the legislature to amend the proposed legislation.

Support: The Board will actively support proposed legislation and demonstrate support through letter, testimony and any other action necessary to communicate the support position taken by the Board.

(Board Policy LEG 05-12)

~~Board Policy LEG 05-12 provides t~~he Board President | the authority to take interim positions on pending legislation on behalf of the Board, if necessary. The interim position taken by the Board President is the interim position of the Board until the next meeting of the Board at which the Board will decide to either ratify the interim position or reject it.

Chapter VI. Enforcement and Disciplinary Actions

Administrative Hearings
(B&P § 2608)

Administrative hearings shall be conducted in compliance with the Administrative Procedures Act, Chapter 5, G. C. § 11500 et. seq. In addition, licensees who file petitions for penalty relief to reinstate license, modify terms of probation, or terminate probation can also be heard before an ALJ with participation by the members of the Board.

Administrative hearings on accusation against Board licensees must be conducted thoroughly and completely, but also with sensitivity to differing situations and choices by individuals accused of misconduct. It is the Board's obligation to both the citizens of California and to the accused licensee or other parties that equitable procedures, as provided within the context of the Administrative Procedures act, be available, accessible and followed faithfully. In doing such, the Board adheres to the due process and equal protection clauses of the California and United States Constitutions.

ALJ Decisions / Acceptance Standard for ALJ Decisions
(G. C. § 11500 et. seq.)

Disciplinary decisions proposed by administrative law judges shall be evaluated on a case-by-case basis by the Board. The Board shall evaluate such proposals on the basis of five criteria. Proposed decisions must attempt to:

1. Be based on the community standards of medical/ health care and standards of practice
2. Respond to the situation in a way consistent with the nature and degree of the violation
3. Serve as a reflection of the Boards commitment to protect the health and safety of the citizens of California
4. Be reasonable and practical in terms of implementation

Decisions judged by any Board member that does not meet one or more of these criteria may be judged unacceptable by the Board. If the Board votes to non-adopt the proposed decision, it can call up the hearing transcript, and decide the case itself.

Discipline Action and Disclosure of Information

(G.C. § 6250 et. Seq. & B&P Code § 125.9)

Disciplinary action is public information once an accusation has been filed. The information disclosed shall be the accusation and decision documents.

Information concerning citations or citation and fines shall be disclosed once the citation or citation and fine are issued. Such citation information shall be provided upon request; it shall be accompanied by the explanation that payment of a citation is considered a satisfactory resolution, but is not tantamount to either an admission of violation or judicial determination of a violation.

Disciplinary information, information about citations or citations and fines, shall be disclosed to the public by means of the Board website and newsletter. Additionally, in accordance with DCA policy, the Board shall provide a copy of the accusation and decision without charge to any member of the public upon request.

Investigative Staff and Services

(Board Policy)

The Board shall utilize the Division of Investigations for investigator and investigative services.

Priority of Complaints

(Board Policy)

The Board has adopted the DCA's complaint prioritization policy. See Appendix A for a description of this policy.

Investigations / Time Limitations
(Board Policy)

The standard investigation in a typical case shall be limited initially to no more than twenty hours of investigative work. Investigators are asked to contact the Lead, or Manger of the CPS program to request prior approval of additional time to complete particular cases. Such additional time may be granted at their discretion. Alternative ways of efficiently and effectively completing the investigation shall be considered before and approval for additional time is granted.

Chapter VII. Other Policies and Procedures

Board Member Disciplinary Actions
(Board Policy) A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice-President of the Board shall sit as President. In accordance with the Open Meeting Act, the censure hearing shall be conducted in open session.

Removal of Board Members
(B&P Code § 106) The Governor has the power to remove from office, at any time, any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.

Resignation of Board Members
(G. C. §1750) In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter also shall be sent to the Officer of the Department, the Board President, and the Executive Officer.

Conflict of Interest (G. C. §87100) No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify himself or herself from making or attempting to use his or her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Board members should refrain from attempting to influence staff regarding applications for licensure or potential disciplinary matters.

Service of Legal Documents If a Board member is personally served as a party in any legal proceeding related to his or her capacity as Board member, he or she must contact the Executive Officer immediately.

Gifts from Candidates (Board Policy) Gifts of any kind to Board members from candidates for licensure with the Board shall not be permitted.

Communication with Interested Parties Board members are required to disclose at Board meetings all discussions and communications with interested parties regarding any item pending or likely to be pending before the Board. The Board minutes shall reflect the items disclosed by the Board members.

Request for Records Access (Board Policy) No Board member may access the file of a licensee or candidate without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.

Ex Parte Communications
(G. C. §11430.10 et seq.)

The Government Code contains provisions prohibiting *ex parte* communications. An “*ex parte*” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative or if an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom a disciplinary action is being taken, will attempt to directly contact Board members.

If the communication is written, the member should read only enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, he or she should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to him or her about the matter. If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the Board’s assigned attorney or Executive Officer.

Board Member Training Requirements

Upon initial appointment, Board members will be given an overview of Board operations, policies, and procedures by Board Executive Staff.

(B&P Code § 453)

Every newly appointed or reappointed Board member shall, within one year of assuming office, complete a training and orientation program offered by the Department of Consumer Affairs. This is in addition to the Board orientation given by Board staff.

(G. C. §11146)

All Board members are required to file an annual Form 700 statement of economic interest. Members must also complete an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. The Government Code requires completion of this ethics orientation within the first six months of appointment and completion of a refresher every two years thereafter.

(G. C. §12950.1)

AB 1825 (Chapter 933, Statutes of 2004, Reyes) requires supervisors, including Board members, to complete two hours of sexual harassment prevention training by January 1, 2006, and every two years thereafter.

Outreach/Information/Complaints*(Board Policy)*

Outreach and consumer education shall be provided by the Board to applicants, licensees and consumers regarding the role of the Board, laws, regulations and how to file complaints against practitioners. This information shall be provided by the Board through:

1. Board's Newsletter
2. Speaking engagements by Board members and staff
3. Press release and public affairs announcements
4. Telephone responses
5. Written, faxed and e-mailed inquires
6. The Board's Website

~~Additional sources of information concerning the Board and the complaint process specifically shall include:~~

- ~~a. Various services and information of the Board~~
- ~~b. Services and publication of the Consumer Protection Services Program~~

Complaint Prioritization Guidelines for DCA Health Care Agencies

As complaints are received, a staff person should immediately review each complaint to determine the appropriate course of action based on the-complaint prioritization guidelines. The table below represents true guidelines –depending on the facts, a different level of priority may be warranted. For example, a complaint based on a report from a health care practitioner data bank (normally routine) may be re-prioritized to a higher level of response based on the nature of the underlying acts.

Agencies should continue to review complaints warranting urgent or high attention to determine whether to seek an Interim Suspension Order, a Penal Code section 23 'request or other interim action as described in Deputy Director for Legal Affairs Doreatha Johnson's memorandum dated December 15, 2008.

Priority Level	Complaint Category
Urgent (Highest Priority)	<p>In general, any act resulting in death or serious injury)'</p> <p>Gross negligence, incompetence or repeated negligent acts that - involve death or serious bodily injury –</p> <p>Drug or alcohol abuse by the licensee resulting in death or serious bodily injury.</p> <p>Repeated acts of clearly excessive prescribing, furnishing or administering of controlled substances, or repeated acts of prescribing w/o a good faith exam</p> <p>Sexual misconduct with patient during course of treatment or examination</p> <p>Practicing while under the influence of drugs or alcohol</p> <p>Physical or mental abuse with injury.</p> <p>Unlicensed activity alleged to have resulted in patient injuries</p> <p>Aiding and abetting unlicensed activity -alleged to have resulted in -patient injuries</p> <p>Arrests or convictions substantially related to the area of practice (Note: may be re-categorized based on the nature of the underlying acts)</p> <p>Impairments (mental, physical or as a result of alcohol or -drug abuse including termination from a diversion-program)</p> <p>Theft of prescription drugs</p> <p>Furnishing prescription drugs without a prescription</p>

Complaint Prioritization Guidelines for DCA Health Care Agencies

(Continued)

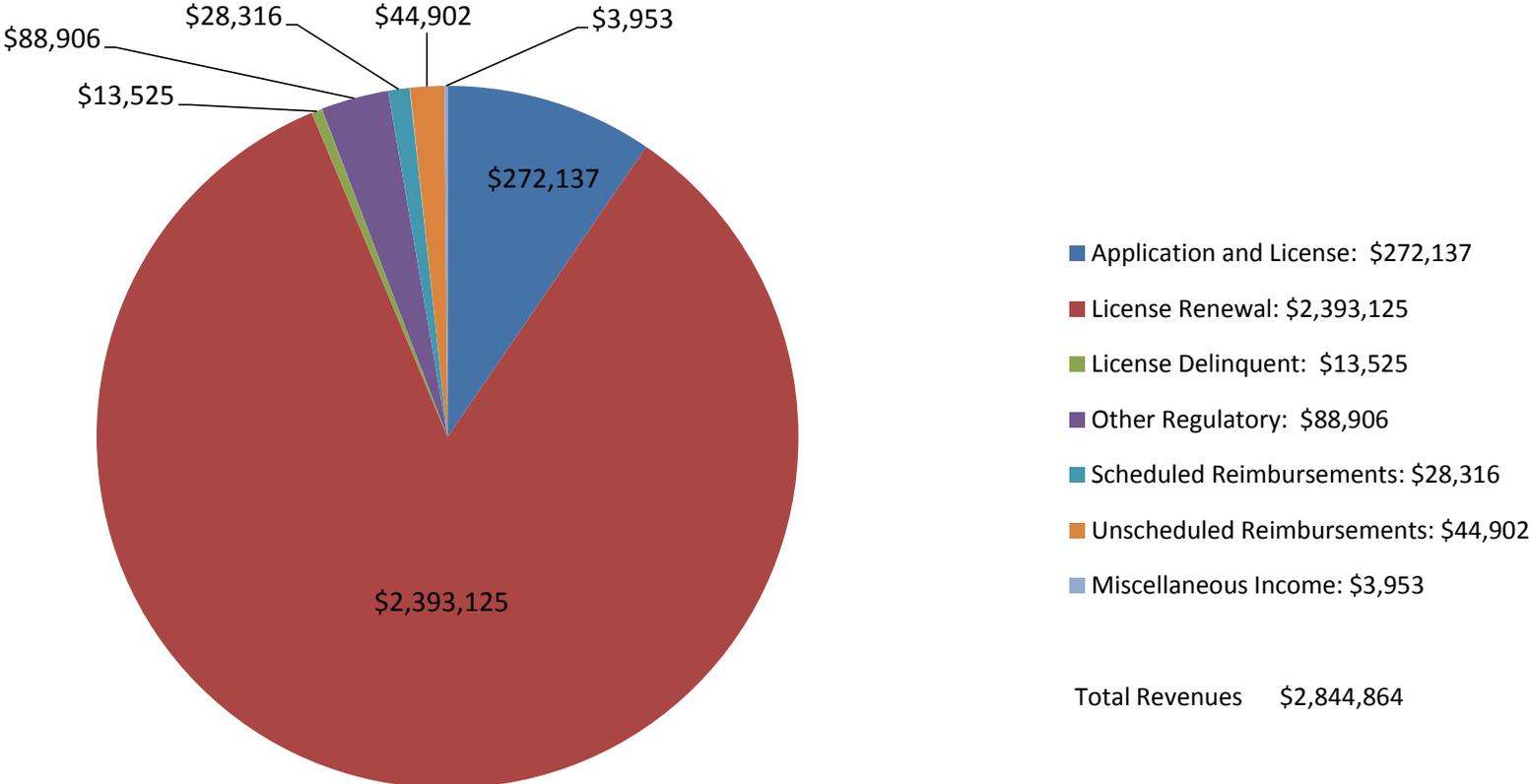
Priority Level	Complaint Category
High	<ul style="list-style-type: none"> Negligence or incompetence without serious bodily injury Physical or mental abuse (without injury) Diversion drop outs 805 Health Facility reports Complaints about licensees on probation(whether or not injury) Prescribing drugs without "good faith" exam(where authority to prescribe exists) Prescribing or dispensing drugs without authority Multiple complaints of the same allegation Complaints with multiple prior complaints Unlicensed activities (with no apparent harm) Aiding and abetting unlicensed activity * with no apparent harm) When evidence will likely be destroyed or unavailable
Routine	<ul style="list-style-type: none"> False/misleading advertising Patient abandonment Fraud Failure to release medical records Record keeping violations <ul style="list-style-type: none"> Applicant misconduct National Practitioner Data bank reports Workers Compensation Complaints Non-jurisdictional complaints (fee disputes, billing) Exam subversion(exam not compromised) Continuing Education Breach of confidentiality

Physical Therapy Board of California
Budget Expenditure Report
FY 2013/14 (As of 3-31-2014)

Description	Budget	Expended	% Budget	Balance
Personnel Services				
Personnel Services Totals	1,350,942	980,598	73%	370,344
Civil Services Permanent	808,749	517,572	64%	291,177
Statutory Exempt	77,196	57,018	74%	20,178
Temp help	0	62,517	-	(62,517)
Board Members	11,786	19,100	162%	-7,314
Overtime	0	1,004	-	(1,004)
Staff Benefits	453,211	323,387	71%	129,824
*TOTALS, PERSONNEL SERVICES	1,350,942	980,598	73%	370,344
Operating Expense & Equipment				
General Services Totals	381,602	226,542	59%	155,060
Fingerprints	99,090	21,184	21%	77,906
General Expense	29,163	16,907	58%	12,256
Minor Equipment	2,200	4,482	204%	(2,282)
Major Equipment	8,500	0	0%	8,500
Printing	14,292	7,228	51%	7,064
Communications	9,554	5,719	60%	3,835
Postage	34,112	28,470	83%	5,642
Travel in State	28,865	7,021	24%	21,844
Training	6,958	988	14%	5,970
Facilities Operations	118,121	113,037	96%	5,084
C&P Services Interdepartmental	1,828	0	0%	1,828
C&P Services External	28,919	21,506	74%	7,413
Departmental Services Totals	608,500	454,258	75%	154,242
OIS Pro Rata	273,777	205,333	75%	68,444
Indirect Dist. Cost	138,334	103,751	75%	34,583
Interagency Services	2,136	0	0%	2,136
DOI Pro Rata	4,405	3,303	75%	1,102
Public Affairs Pro Rata	6,190	4,643	75%	1,547
CCED Pro Rata	5,306	3,980	75%	1,326
Consolidated Data Center	1,397	694	50%	703
Data Processing	2,930	2,035	69%	895
Other Items of Expense	0	0	-	0
Central Admin Services Pro Rata	174,025	130,519	75%	43,506
Exams Totals	11,805	3,935	33%	7,870
Admin and C/P Services	0	0	-	0
Exam Contracts	9,120	3,935	43%	5,185
Exam Subject Matter Experts	2,685	0	-	2,685
Enforcement Totals	1,173,913	878,111	75%	295,802
Attorney General	605,668	474,840	78%	130,828
Office of Admin Hearings	59,584	41,530	70%	18,054
Evidence/Witness	100,145	53,087	53%	47,058
Court Reporters	0	2,267	-	(2,267)
DOI Investigation	408,516	306,387	75%	102,129
*TOTALS, OE & E	2,175,820	1,562,846	72%	612,974
TOTALS, PERSONNEL SERVICES/OE&E	3,526,762	2,543,444	72%	983,318
Scheduled Reimbursements	(99,000)	(28,316)		(70,684)
Unsheduled Reimbursements		(44,902)		44,902
**TOTALS	3,427,762	2,470,226	72%	957,536

* The total reflects by line items. ** Total reflects final budget/expenditures, including deductions, in its entirety.

**Physical Therapy Board of California
Budget Revenues (FY 2013/14)
(As of 03/31/2014)**



Application, Examination and License: New Application, Examination, and Initial License Fees.

License Renewal: Licensee Renewal Fees.

License Delinquent: Licensee Delinquent Fees.

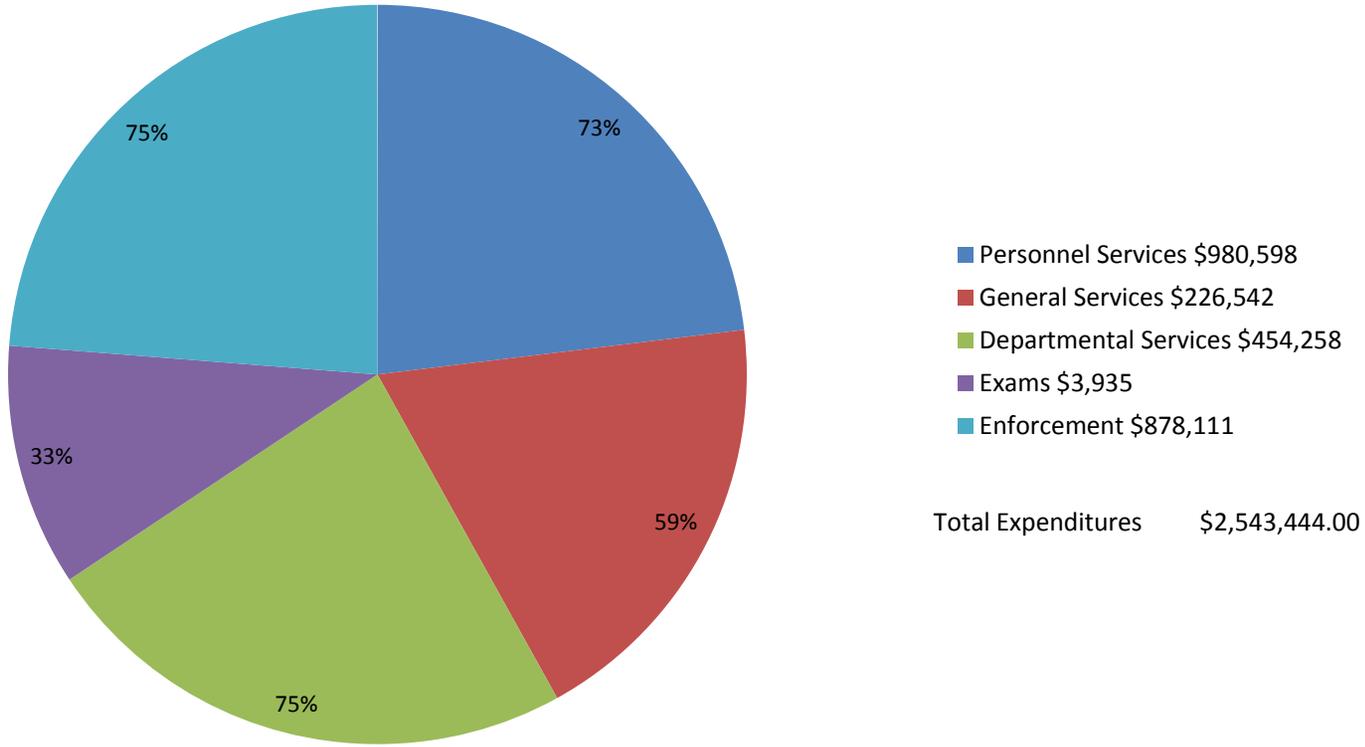
Other Regulatory: Administrative Citation Fines, Endorsement Fees, Duplicate License/Cert Fees.

Scheduled Reimbursements: Fingerprint reports processed through DOJ.

Unscheduled Reimbursements: Investigative Cost Recovery, Probation Monitoring Fees.

Miscellaneous Income: Investments, Unclaimed, Cancelled and Dishonored Warrants.

**Physical Therapy Board of California
Budget Expenditures (FY 2013/14)
(As of 03/31/2014)**



Personnel Services : Salary and Wages, Board Member Per Diem, Temp Help, Overtime, Benefits.

General Services : Fingerprint Reports, General Expense, Printing, Communication, Postage, Travel, Training, Facility, C&P Services, Equipment.

Departmental Services: Pro Rata ,Interagency Services, Consolidated Data, Data Processing, Central Admin.

Exams: Examination Contracts, Subject Matter Experts Contracts.

Enforcement: Attorney General, Office of Administrative Hearing, Evidence/Witness (Expert Consultants), Court Reporter, DOI.

Notes: The Board received a one-time budget augmentation increasing its AG budget line item from 285,668 to 605,668, effective April, 2014.

The percentages on this chart is specific to expenditures in each budget line items. The Board has spent %72 total of its budget as of FM09.

**Physical Therapy Board of California
Web site, Twitter, and Facebook Statistics
FY 2013-14 – 3rd Quarter (1/1/2014 – 3/31/2014)**

Web Hit Statistics			
Category	Web Hits During 10/1/2013 - 12/31/2013	Web Hits During 1/1/2014 – 3/31/2014	% Increase/Decrease
Home	81,881	84,649	4% ↑
Consumers	356,562	380,489	7% ↑
Applicants	94,905	102,861	8% ↑
Licensees	45,205	50,999	12% ↑
Laws	83,859	100,853	20% ↑
Forms	63,384	72,111	13% ↑
Publications	4,291	4,174	3% ↓
About Us	77,845	71,774	9% ↓
Continuing Competency	6,370	7,500	18% ↑

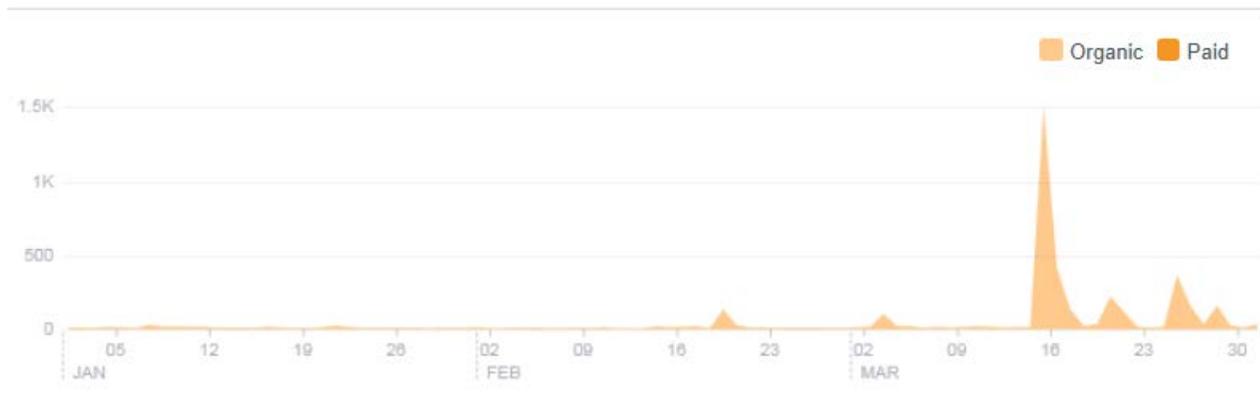
Twitter Statistics			
Category	Data as of 2/12/2014	Data as of 5/6/2014	% Increase/Decrease
Number of Tweets	275	299	9% ↑
Number of Followers	191	214	12% ↑

*Account opened on 2/27/2011

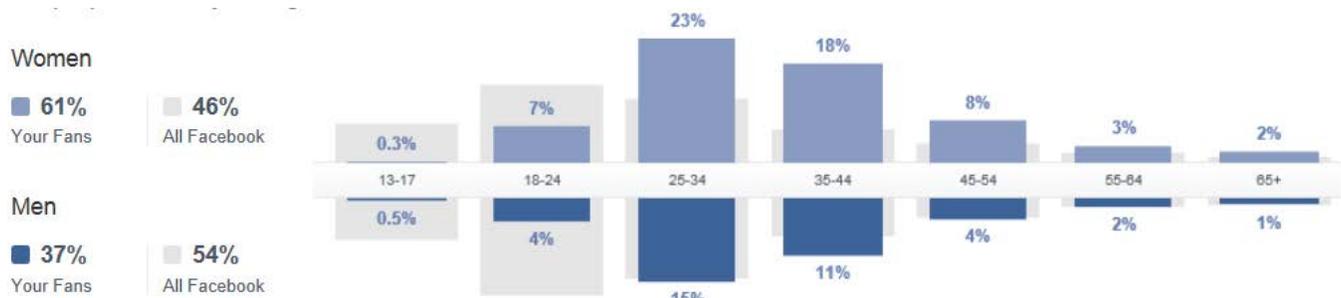
Facebook Statistics			
Category	Data During 10/1/2013 – 12/31/2013	Data During 1/1/2014 – 3/31/2014	% Increase/Decrease
Total Likes	1,481	1,513	2% ↑
Page Visits	233	280	20% ↑

Facebook Page Total Reach: 1/1/2014 – 3/31/14

The number of people who saw any activity from your page including posts, posts by other people, Page like ads, mentions, and check-ins.



Facebook Demographic Users: Data captured on 5/6/14



APPLICATION AND LICENSING SERVICES STATISTICS FY 2013/14

Application Statistics

APPLICATIONS RECEIVED													
Application Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
PT	97	154	107	81	75	100	64	43	43				764
FOREIGN PT	21	36	21	27	30	24	27	28	21				235
FOREIGN PTA*	4	3	5	3	5	6	4	9	8				47
PTA	36	35	13	58	18	8	37	28	15				248
EQUIV PTA	0	0	1	0	1	0	0	0	0				2
EK	0	0	0	0	0	0	0	0	0				0
EN	0	0	0	0	0	1	1	0	0				2
Total	158	228	147	169	129	139	133	108	87	0	0	0	1,298

*2 Applicants downgraded from PT to PTA from July - Current.

Licensing Statistics

LICENSES ISSUED*													
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
PT	78	260	57	73	39	223	50	40	222				1,042
PTA	44	28	14	16	67	24	23	43	42				301
EK	0	0	0	0	0	0	0	0	0				0
EN	0	0	0	0	0	0	0	0	0				0
Total	122	288	71	89	106	247	73	83	264	0	0	0	1,343

*Licensing Statistics will not match the Application Statistics due to the length of time an application may remain on file.

License Renewal Statistics

LICENSES RENEWED													
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
PT	987	1,036	864	1,080	836	844	1,034	775	741				8,197
PTA	246	252	199	250	211	205	268	178	196				2,005
EK	1	2	3	0	0	1	2	2	1				12
EN	1	2	0	0	0	2	3	0	0				8
Total	1,235	1,292	1,066	1,330	1,047	1,052	1,307	955	938	0	0	0	10,222

APPLICATION AND LICENSING SERVICES STATISTICS FY 2013/14

License Status Statistics

ACTIVE LICENSES												
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
PT	21,754	21,694	21,847	21,937	21,985	21,947	22,006	22,000	22,182			
PTA	5,267	5,275	5,282	5,283	5,291	5,335	5,319	5,345	5,377			
EK	30	29	29	30	30	30	30	30	30			
EN	21	20	21	21	21	21	21	21	21			
Total	27,072	27,018	27,179	27,271	27,327	27,333	27,376	27,396	27,610	0	0	0

INACTIVE LICENSES												
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
PT	1,418	1,439	1,462	1,480	1,498	1,522	1,544	1,552	1,567			
PTA	406	409	408	415	417	424	434	435	437			
Total	1,824	1,848	1,870	1,895	1,915	1,946	1,978	1,987	2,004	0	0	0

Licensees in inactive status are eligible for active/valid status upon fulfilling renewal requirements.

DELINQUENT LICENSES												
License Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
PT	3,340	3,427	3,491	3,453	3,398	3,435	3,552	3,559	3,567			
PTA	941	961	978	986	979	994	1,037	1,043	1,038			
EK	3	4	4	3	3	3	3	3	3			
EN	5	6	5	5	5	5	5	5	5			
Total	4,289	4,398	4,478	4,447	4,385	4,437	4,597	4,610	4,613	0	0	0

Licensees in delinquent status are eligible to renew their license and may obtain active/valid status.

APPLICATION AND LICENSING SERVICES STATISTICS FY 2013/14

National Physical Therapist (PT) Examination - CALIFORNIA STATISTICS

Accredited PT Program & Foreign Educated PT Combined Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar*	Apr	May	Jun	FY Total
Pass	233			204			153	0					590
Fail	84			99			86	1					270
Total	317			303			239	1					860
Pass Rate	74%			67%			64%	0%					69%

Accredited PT Program Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar*	Apr	May	Jun	FY Total
Pass	228			196			144	0					568
Fail	27			40			39	1					107
Total	255			236			183	1					675
Pass Rate	89%			83%			79%	0%					84%

Foreign Educated PT Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar*	Apr	May	Jun	FY Total
Pass	5			8			9						22
Fail	57			59			47						163
Total	62			67			56						185
Pass Rate	8%			12%			16%	0%					12%

*No examination was given during this month.

APPLICATION AND LICENSING SERVICES STATISTICS FY 2013/14

National Physical Therapist Assistant (PTA) Examination - CALIFORNIA STATISTICS

Accredited PTA Program, Foreign Educated PTA, & Equivalency Combined Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	76			103			75						254
Fail	39			47			45						131
Total	115			150			120						385
Pass Rate	66%			69%			63%						66%

Accredited PTA Program Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	71			97			67						235
Fail	28			38			33						99
Total	99			135			100						334
Pass Rate	72%			72%			67%						70%

Foreign Educated PTA Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	5			6			8						19
Fail	11			9			12						32
Total	16			15			20						51
Pass Rate	31%			40%			40%						37%

Equivalency PTA Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	0			0									0
Fail	0			0									0
Total	0			0									0
Pass Rate	0%			0%									0%

*No examination was given during this month.

APPLICATION AND LICENSING SERVICES STATISTICS FY 2013/14

California Law Examination (CLE)

Accredited & Foreign Educated Combined Pass/Fail

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	242	192	127	156	160	88	157	138	114				1374
Fail	175	138	68	90	103	67	107	100	63				911
Total	417	330	195	246	263	155	264	238	177				2285
Pass Rate	58%	58%	65%	63%	61%	57%	59%	58%	64%				60%

Accredited Pass/Fail

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	220	172	107	143	143	72	129	124	94				1204
Fail	146	105	52	74	80	50	88	76	40				711
Total	366	277	159	217	223	122	217	200	134				1915
Pass Rate	60%	62%	67%	66%	64%	59%	59%	62%	70%				63%

Foreign Educated Pass/Fail

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	22	20	20	13	17	16	28	14	20				170
Fail	29	33	16	16	23	17	19	24	23				200
Total	51	53	36	29	40	33	47	38	43				370
Pass Rate	43%	38%	56%	45%	43%	48%	60%	37%	47%				46%

APPLICATION AND LICENSING SERVICES STATISTICS FY 2013/14

National Physical Therapist (PT) Examination - NATIONAL STATISTICS

Accredited PT Program & Foreign Educated PT Combined Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	4782	2		1684			1210	148					7826
Fail	1727	3		1461			1062	61					4314
Total	6509	5		3145			2272	209					12140
Pass Rate	73%	40%	0%	54%	0%	0%	53%	71%					64%

Accredited PT Program Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	4526	2		1366			981	142					7017
Fail	701	0		505			343	38					1587
Total	5227	2		1871			1324	180					8604
Pass Rate	87%	100%	0%	73%	0%	0%	74%	79%					82%

Foreign Educated PT Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	256	0		318			229	6					809
Fail	1026	3		956			719	23					2727
Total	1282	3		1274			948	29					3536
Pass Rate	20%	0%	0%	25%	0%	0%	24%	21%					23%

*No examination was given during this month.

APPLICATION AND LICENSING SERVICES STATISTICS FY 2013/14

National Physical Therapist Assistant (PTA) Examination - NATIONAL STATISTICS

Accredited PTA Program, Foreign Educated PTA, & Equivalency Combined Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	3134	0		1390			990						5514
Fail	873	1		727			500						2101
Total	4007	1		2117			1490						7615
Pass Rate	78%	0%	0%	66%	0%	0%	66%						72%

Accredited PTA Program Pass/Fail

	Jul	Aug	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	3078	0		1308			902						5288
Fail	783	1		654			407						1845
Total	3861	1		1962			1309						7133
Pass Rate	80%	0%	0%	67%	0%	0%	69%						74%

Foreign Educated PTA Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	56	0	0	82	0	0	88						226
Fail	90	0	0	73	0	0	93						256
Total	146	0	0	155	0	0	181						482
Pass Rate	38%	0%	0%	53%	0%	0%	49%						47%

Equivalency PTA Pass/Fail

	Jul	Aug*	Sept*	Oct	Nov*	Dec*	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	0	0	0	0	0	0	0						0
Fail	0	0	0	0	0	0	0						0
Total	0						0						
Pass Rate	0%						0%						

* No examination was given during this month.

APPLICATION AND LICENSING SERVICES STATISTICS FY 2013/14

Jurisprudence (Law) Examination - NATIONAL STATISTICS

Law Examination Pass/Fail

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	906	616	504	579	427	273	467	466	343				4581
Fail	283	197	122	180	151	104	159	156	129				1481
Total	1189	813	626	759	578	377	626	622	472				6062
Pass Rate	76%	76%	81%	76%	74%	72%	75%	75%	73%				76%

Accredited Program Pass/Fail

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	871	577	464	547	380	239	419	416	284				4197
Fail	249	159	97	163	118	79	138	125	89				1217
Total	1120	736	561	710	498	318	557	541	373				5414
Pass Rate	78%	78%	83%	77%	76%	75%	75%	77%	76%				78%

Foreign Educated Pass/Fail

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Pass	35	39	40	32	47	34	48	50	59				384
Fail	34	38	25	17	33	25	21	31	40				264
Total	69	77	65	49	80	59	69	81	99				648
Pass Rate	51%	51%	62%	65%	59%	58%	70%	62%	60%				59%

APPLICATION AND LICENSING SERVICES STATISTICS FY 2013/14

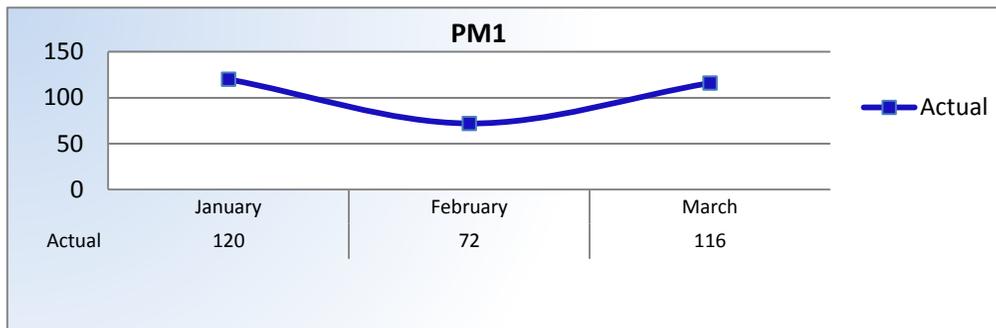
Performance Measures

Q3 Report (January - March 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

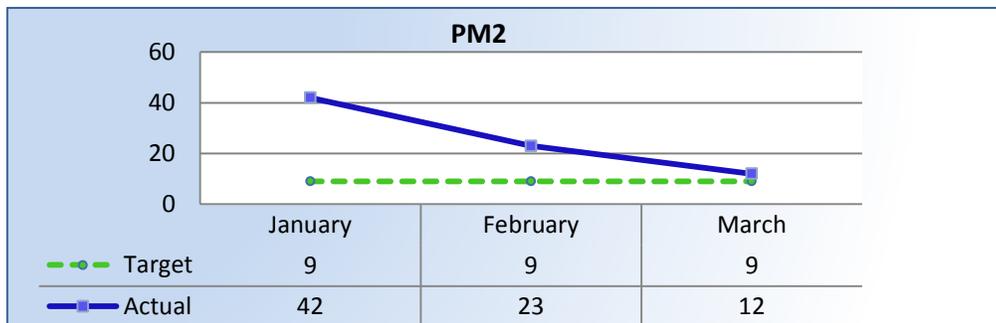


Total Received: 308 Monthly Average: 103

Complaints: 255 | Convictions: 53

PM2 | Intake

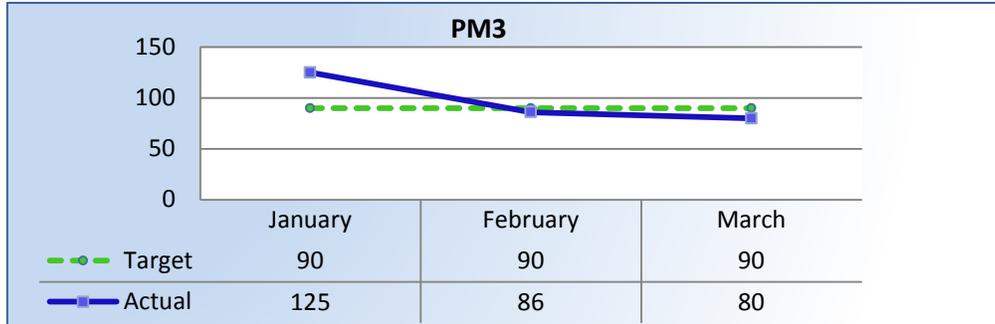
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | Actual Average: 28 Days

PM3 | Intake & Investigation

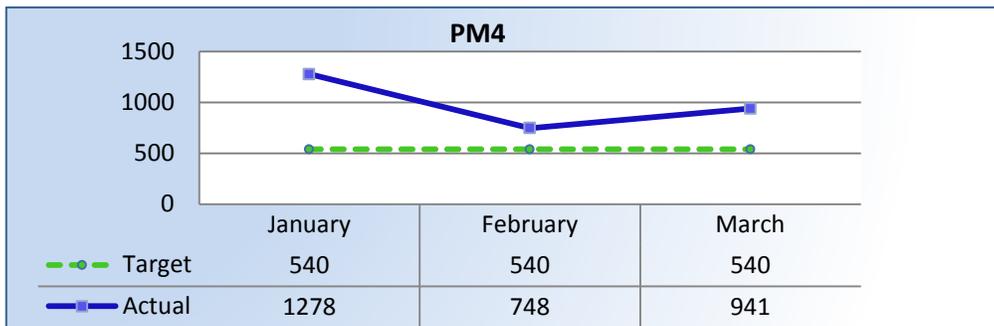
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 90 Days | Actual Average: 97 Days

PM4 | Formal Discipline

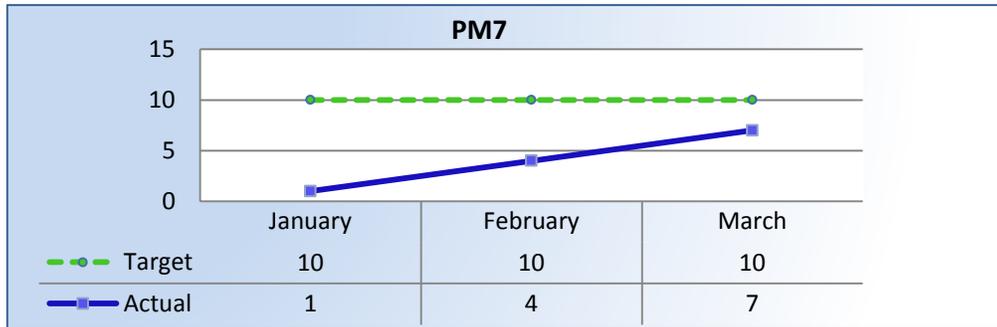
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 938 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | Actual Average: 5 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 7 Days | Actual Average: N/A

CONSUMER PROTECTION SERVICES REPORT FY 2013/2014

Complaint Intake													
<i>Complaints Received by the Board.</i>													
<i>Measured from date received to assignment for investigation or closure without action.</i>													
Complaints	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	97	71	88	118	65	111	110	21	101				782
Closed without Assignment for Investigation	3	12	14	24	0	10	20	17	1				101
Assigned for Investigation - <i>Note: Number of assigned cases may include cases from previous month; therefore totals will not add up.</i>	97	66	58	118	18	79	118	37	76				667
Average Days to Close or Assigned for Investigation	11	12	5	10	5	15	44	33	16				16.778
Pending	9	6	22	8	54	76	49	16	63				

Convictions/Arrest Reports	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	31	30	31	15	27	11	10	28	15				198
Closed / Assigned for Investigation	39	25	36	17	24	14	10	26	16				207
Average Days to Close	6	11	6	5	2	3	6	2	3				4.8889
Pending	0	7	4	2	3	0	0	2	0				

Total Intake	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	128	101	102	133	92	122	120	49	116				963
Closed w/o Inv. Assignment	4	13	14	25	0	10	20	19	1				106
Assigned for Investigation	135	90	94	134	42	93	128	61	92				869
Avg. Days to Close or Assign	10	11	5	9	4	13	42	23	14				14.556
Pending	9	13	26	10	57	76	49	18	63				321

Investigation *Complaints investigated by the program whether by desk investigation or by field investigation.*
Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action.
If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation.
If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.

Desk Investigation	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Initial Assignment for Desk Investigation	135	90	94	133	42	93	128	61	92				868
Closed	98	110	116	127	87	72	89	84	111				894
Average Days to Close	77	86	93	60	61	80	118	80	98				83.667
Pending	480	463	435	438	394	412	435	404	388				

Field Investigation (Non-Sworn)	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Assignment for Non-Sworn Field Investigation	N/A												0
Closed													0
Average Days to Close													0
Pending													

Field Investigation (Sworn)	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Assignment for Sworn Field Investigation	18	5	7	5	3	5	14	8	4				69
Closed	3	3	9	8	7	6	6	7	6				55
Average Days to Close	403	373	293	388	552	384	519	309	415				404
Pending	110	112	110	108	105	104	112	115	113				

All Investigations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
First Assignments	135	90	94	134	42	93	128	61	92				869
Closed	101	113	125	135	94	78	95	91	117				949
Average Days to Close	87	94	108	79	97	103	143	98	114				102.56
Pending	590	575	545	546	499	516	547	519	501				

All Investigations Aging/Closed	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Up to 90 Days	89	67	78	96	69	49	58	61	85				652
91 to 180 Days	5	36	30	32	13	15	19	17	13				180
181 Days to 1 Year	3	4	12	2	5	9	6	9	11				61
1 to 2 Years	4	5	3	4	5	5	11	4	7				48
2 to 3 Years	0	1	2	1	2	0	0	0	0				6
Over 3 Years	0	0	0	0	0	0	1	0	1				2

Disciplinary Actions	<i>This section DOES NOT include subsequent discipline on a license. Data from complaint records combined/consolidated into a single case will not appear in this section.</i>												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
AG Cases Initiated	2	5	4	7	3	8	4	1	6				40
AG Cases Pending	78	82	82	83	82	84	83	76	76				
SOIs Filed	0	0	1	0	0	0	0	1	1				3
Accusations Filed	5	3	3	6	4	3	2	6	5				37

ACC Decisions/Stips	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Prop/Default Decisions	2	0	0	0	0	1	0	1	1				5
Stipulations	1	0	0	3	1	2	2	4	4				17

SOI Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
SOI Final Orders (Dec/Stips)	1	0	0	1	0	0	1	1	0				4
Average Days to Complete				1021	0	0	691	441	0				358.83

ACC Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
ACC Final Orders (Dec/Stips)	3	0	4	3	1	3	2	5	5				26
Average Days to Complete	709		828	626	496	647	1571	809	1128				851.75

Total Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Total Final Orders (Dec/Stips)	4	0	4	4	1	3	3	6	5				30
Total Average Days to Complete	774		828	725	496	647	1278	748	1128				828

Total Orders Aging/Final Decision	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Up to 90 Days	0	0	0	0	0	0	0	0	0				0
91 to 180 Days	0	0	0	0	0	0	0	0	0				0
181 Days to 1 Year	0	0	0	0	0	0	0	1	1				2
1 to 2 Years	1	0	2	2	1	3	1	3	0				13
2 to 3 Years	3	0	1	2	0	0	0	1	1				8
Over 3 Years	0	0	1	0	0	0	2	1	3				7

Citations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Final Citations	23	29	41	42	12	12	27	16	7				209
Average Days to Complete*	129	151	112	124	110	120	159	167	226				144.22

Other Legal Actions	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Interim Suspension & PC 23 Ordered	0	0	0	0	1	0	0	0	1				2

Probation													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Entered Probationer	1	2	2	3	0	3	2	1	4				
Completed Probation	1	0	1	0	1	0	1	0	3				
Entered Maximus	1	0	0	1	0	0	3	1	0				
Completed Maximus	1	0	0	1	0	0	0	0	1				
Non-Compliant w/Probation	0	2	0	1	0	0	0	0	0				
Total Probationers	64	64	66	69	68	71	73	72	73				
Total Maximus Participants	11	10	10	11	10	10	10	14	14				

Performance Measures													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
PM1 Volume - Number of Complaints Received within the specified time period.	97	71	88	118	65	111	110	21	101				782
PM1 Volume - Conviction/Arrest Reports Received	31	30	32	15	27	11	10	28	15				199
PM2 Cycle Time - Intake Average number of complaint intake during the specified time period.	10	11	5	9	4	13	42	23	14				14.556
PM3 Cycle Time-No Discipline (Target 90 Days) Average number of days to complete complaint intake and investigation steps of the enforcement process for Closed Complaints not resulting in Formal Discipline.	79	84	99	69	87	71	128	85	80				86.889
PM 4 Cycle Time-Discipline (Target 540 Days) Average number of days to complete the enforcement process (Complaint intake, Investigation, and Formal Discipline steps) for cases closed with Formal Discipline.	774	198	828	524	391	374	1278	748	957				674.67

1 The following is a list of disciplinary actions taken by the Physical Therapy Board of California, in **February,**
2 **March, and April 2014.** The Decisions become operative on the Effective Date, with the exception of situations
3 where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions, which are
4 negotiated settlements waiving court appeals.

5
6 Copies of Accusations, Decisions, or Citations may be obtained by visiting our website at www.ptbc.ca.gov. In
7 addition to obtaining this information from our website, you may also request it by telephone, fax, or mail. Please
8 address your request to:
9

10 Physical Therapy Board of California
11 2005 Evergreen Street, Suite 1350
12 Sacramento, CA 95815
13 (916) 561-8200/ FAX (916) 263-2560

14 Physical Therapy Board of California Disciplinary Summary

15
16
17
18
19 **February 2014**

20
21 **HALL, CHARLES (PT 5598)**

22 Accusation Filed 11/13/13. Violation of B & P Codes: 2630 Unlawful Physical Therapy, 2660(g) Gross Negligence,
23 2660(h) Violating the Code, 2660(i) Aiding and Abetting, 2660(j) Aiding/Abetting Unlic Activity, 2660(k) Commit
24 Fraud/Dishonest Act. Violation of CCR: 1398.11 Name Tag Identif Requirement, 1398.44 Supervision of PTA,
25 1399 Supervision of Physical Therapy Aids, 1399.85 Failure to Chart. Stipulated Surrender of License and Order
26 Effective 02/28/14, License Surrendered.

27
28 **LARSEN, KAREN (AT 2253)**

29 Accusation Filed 02/22/13. Violation of B & P Codes: 2234 Unprofessional Conduct, 2239 Self-Use of Drugs or
30 Alcohol, 2660(d) Conviction of Criminal Offense, 2660(h) Violating the Code. Stipulated Settlement and
31 Disciplinary Order Effective 02/14/14, 4 Yrs. Prob., or Completion of the Board's Drug & Alcohol recovery
32 monitoring program plus one year, whichever is longer.

33
34 **THORPE, VERNON (PT 32238)**

35 Accusation Filed 07/03/13. Violation of B & P Codes: 2660(h) Violating the Code, 2660(k) Commit Fraud,
36 Dishonest Act, 2684(b) Cont Comp Req & Crim Conv Disc. Violation of CCR: 1398.6 Filing of Addresses, 1399.24
37 Unprofessional Conduct, 1399.91 Continuing Comp Required, 1399.92 Content Standards-Cont Comp, 1399.93
38 Cont Comp Requir & Limitations. Decision and Order Effective 02/24/14, License Revoked.

39
40 **WOLL, SUSAN (PT 9840)**

41 Accusation Filed 12/09/13. Violation of B & P Codes: 2609 Unprofessional Conduct, 2660 Unprofessional
42 Conduct, 2676(a) Renewal Cont Comp Requirements, 2684(b) Cont Comp Req. Violation of CCR: 1398.6 Filing of
43 Addresses, 1399.24 Unprofessional Conduct, 1399.91 Continuing Comp Required, 1399.93 Cont Comp Requir &
44 Limitations, 1399.97 Required Record Keeping for CC. Stipulated Surrender of License and Order Effective
45 02/14/14, License Surrendered

46
47 **ZELCH, TIMOTHY (PT 39007)**

48 Accusation Filed 06/18/13. Violation of B & P Codes: 490 Conviction of a Crime, 2239 Self-Use of Drugs or
49 Alcohol, 2660 Unprofessional Conduct, 2660(d) Conviction of Criminal Offense, 2660(e) Habitual Intemperance,
50 2660(h) Violating the Code, 2661 Conviction of a Crime. Violation of CCR: 1399.20(a) Violate Prov of PT Act,
51 1399.20(c) Violate Prov of Med Pract Act, 1399.24 Unprofessional Conduct. Stipulated Surrender of License and
52 Disciplinary Order Effective 02/14/14, License Surrendered

55 **March 2014**

56
57 **BELL, KELLY (AT 3422)**

58 Accusation Filed 01/26/12. Violation of B & P Codes: 2234(c) Repeated Negligent Acts, 2620 Not Authorized PT
59 to Diagnose, 2630 Unlawful Physical Therapist, 2660(g) Gross Negligence, 2660(h) Violating the Code. Violation
60 of CCR: 1398.44 AT Document and Sign Requirement. Stipulated Settlement and Disciplinary Order Effective
61 03/26/14, Revocation Stayed, 4 Yrs. Prob.

62
63 **GARCIA, JULIE (AT 3384)**

64 Accusation Filed 01/02/13. Violation of B & P Codes: 2266 Failure to Maintain Accurate Records, 2630 Practicing
65 Without a License, 2660 Unprofessional Conduct, 2660(k) Fraud. Violation of CCR: 1398.44 Supervision of PTA.
66 Stipulated Settlement and Disciplinary Order Effective 03/27/14, Revocation Stayed, 2 Yrs. Prob.

67
68 **MCKINNEY, JOHN (AT 8923)**

69 Accusation Filed 03/13/12. Amended Accusation Filed 08/02/13. Violation of B & P Codes: 490 Conviction of a
70 Crime, 493 Conv of Crime w/Conclusive Evidence, 2660(d) Conviction of Criminal Offense, 2660(k) Commit
71 Fraud, Dishonest Act. Violation of CCR: 1399.20(b) Conviction of Crime. Decision and Order Effective 03/03/14,
72 License Revoked.

73
74 **NISPEROS, JOHN (AT 9416)**

75 Accusation Filed 10/02/13. Violation of B & P Codes: 490 Conviction of a Crime, 493 Conv of Crime
76 w/Conclusive Evidence, 2660(d) Convict of Criminal Offense. Stipulated Settlement and Disciplinary Order
77 Effective 03/23/14, Revocation Stayed, 3 Yrs. Prob.

78
79 **OLIVER, REYNA (PT 35204)**

80 Accusation Filed 03/12/13. Violation of B & P Code: 2620.7 Patient Record Documentation & Retention, 2660
81 Unprofessional Conduct, 2660(g) Gross Negligence, 2660(h) Violating the Code, 2660(k) Commit Fraud, Dishonest
82 Act. Violation of CCR: 1398.13 Failure to Chart. Stipulated Settlement and Disciplinary Order Effective 03/28/14,
83 Revocation Stayed, 2 Yrs. Prob.

84
85 **April 2014**

86
87 **DALUZ, PRISCILLA (AT 6187)**

88 Accusation Filed 09/18/13. Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660 Unprofessional
89 Conduct, 2660(g) Gross Negligence, 2660(h) Violating the Code, 2660(k) Commit Fraud, Dishonest Act. Stipulated
90 Settlement and Disciplinary Order Effective 04/24/14, Revocation Stayed, 5 Yrs. Prob.

91
92 **Administrative Citations and Fines Paid**



96 **February 2014**

97
98 **BETZ, SCOTT (AT 2802)**

99 Violation of B & P Codes: 1399.91 Continuing Comp Required, 1399.92 Content Standards-Cont Comp, 1399.93
100 Cont Comp Requir & Limitations, 1399.97 Required Record Keeping for CC. Citation and Fine Ordered 02/04/14.
101 Citation Paid in Full 02/28/14.

102
103 **COSTELLO, CHRISTOPHER (PT 35392)**

104 Violation of B & P Codes: 493 Conv of Crime w/Conclusive Evidence, 2239 Self-Use of Drugs or Alcohol, 2660(d)
105 Convict of Criminal Offense, 2661 Conviction of a Crime. Citation and Fine Ordered 02/10/14. Citation Paid in
106 Full 02/28/14.

109 **EATON, STEVEN (PT 40977)**
110 Violation of B & P Codes: 493 Conv of Crime w/Conclusive Evidence, 2660(d) Convict of Criminal Offense, 2661
111 Conviction of a Crime. Citation and Fine Ordered 01/16/14. Citation Paid in Full 02/8/14.
112
113 **JOHNSON-HOUSER, LISA (PT 12629)**
114 Violation of CCR: 1399.91 Continuing Comp Required, 1399.92 Content Standards-Cont Comp, 1399.93 Cont
115 Comp Requir & Limitations, 1399.97 Required Record Keeping for CC. Citation and Fine Ordered 02/10/14.
116 Citation Paid in Full 02/20/14.
117
118 **JOHSON, RONNIE (PT 22486)**
119 Violation of B & P Codes: 493 Conv of Crime w/Conclusive Evidence, 2239 Self-Use of Drugs or Alcohol, 2660(d)
120 Convict of Criminal Offense, 2661 Conviction of a Crime. Violation of CCR: 1399.24 Unprofessional Conduct.
121 Citation and Fine Ordered 02/10/14. Citation Paid in Full 02/21/14.
122
123 **MALLONGA, JULIO (PT 39821)**
124 Violation of B & P Codes: 493 Conv of Crime w/Conclusive Evidence, 2239 Self-Use of Drugs or Alcohol, 2660(d)
125 Convict of Criminal Offense, 2661 Conviction of a Crime. Citation and Fine Ordered 01/23/14. Citation Paid in
126 Full 02/3/14.
127
128 **MANN, SEETLE (AT 10316)**
129 Violation of B & P Codes:480 Grounds for Denial of License, 493 Conv of Crime w/Conclusive Evidence, 2239
130 Self-Use of Drugs or Alcohol, 2660(d) Convict of Criminal Offense, 2660(h) Violating the Code, 2661 Conviction
131 of a Crime. Citation and Fine Ordered 01/13/14. Citation Paid in Full 02/25/14.
132
133 **MARTIN, ASHLEY (AT 9913)**
134 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(d) Convict of Criminal Offense, 2660(h)
135 Violating the Code. Violation of CCR: 1398.6 Filing of Addresses, 1399.24 Unprofessional Conduct. Citation and
136 Fine Ordered 02/04/14. Citation Paid in Full 02/27/14.
137
138 **MATTHEWS, LORI (AT 4847)**
139 Violation of B & P Codes: 493 Conv of Crime w/Conclusive Evidence, 2660(d) Convict of Criminal Offense, 2661
140 Conviction of a Crime. Violation of CCR: 1399.24 Unprofessional Conduct. Citation and Fine Ordered
141 11/22/2013. Citation Paid in Full 02/20/2014.
142
143 **METZGER, GABRIEL (PT 35861)**
144 Violation of B & P Codes: 493 Conv of Crime w/Conclusive Evidence, 2239 Self-Use of Drugs or Alcohol, 2660(d)
145 Convict of Criminal Offense, 2661 Conviction of a Crime. Citation and Fine Ordered 01/16/14. Citation Paid in
146 Full 02/8/14.
147
148 **RIVERA, RIDA (PT 20178)**
149 Violation of CCR: 1398.13 Patient Record Documentation, 1399 Supervision of Physical Therapy Aids. Citation
150 and Fine Ordered 02/07/14. Citation Paid in Full 02/24/14.
151
152 **ROWE, GERALD (PT 16329)**
153 Violation of B & P Codes: 493 Conv of Crime w/Conclusive Evidence, 2239 Self-Use of Drugs or Alcohol, 2660(d)
154 Convict of Criminal Offense, 2661 Conviction of a Crime. Citation and Fine Ordered 01/23/14. Citation Paid in
155 Full 02/14/14.
156
157 **SANTILLAN, NOEL (PT 28454)**
158 Violation of B & P Codes: 493 Conv of Crime w/Conclusive Evidence, 2660(d) Convict of Criminal Offense, 2661
159 Conviction of a Crime. Citation and Fine Ordered 01/29/14. Citation Paid in Full 02/20/14.
160
161 **TIBBERTS, MAILA (PT 36737)**
162 Violation of CCR: 1398.13 Patient Record Documentation, 1399 Supervision of Physical Therapy Aids. Citation
163 and Fine Ordered 01/13/14. Citation Paid in Full 02/05/14.
164

165 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification
166 Citations Paid in Full in February 2014:

167
168 ANGELES, JENNETH (PT 36784)
169 BURSEY, JULIE (PT 25386)
170 CHU, MICHAEL (AT 8907)
171 GEARHART, JENNIFER (PT 36923)
172 GONZALEZ, GISELLE (AT 9761)
173 JACKSON, THOMAS (PT 9248)
174 MAXWELL, JEFFREY (PT 28961)
175 PINDER, JOSHUA (PT 37754)
176 RICHMOND, CYNTHIA (PT 27459)

177

178 **March 2014**

179

180 **FENTON, LYDIA (PT 33845)**

181 Violation of B & P Codes: 136 Change of Address Notification, 2239 Self-Use of Drugs or Alcohol, 2660(d)
182 Convict of Criminal Offense, 2660(h) Violating the Code. Violation of CCR: 1398.6 Filing of Addresses. Citation
183 and Fine Ordered 01/29/14. Citation Paid in Full 03/21/14.

184

185 **GRANGE, DEBORAH (PT 21804)**

186 Violation of CCR: 1398.13 Patient Record Documentation. Citation and Fine Ordered 01/13/14. Citation Paid in
187 Full 03/13/14.

188

189 **WILCOX, LIVNAT (PT 28183)**

190 Violation of B & P Codes: 2620 Not Authorize PT to Diagnose. Citation and Fine Ordered 03/10/14. Citation Paid
191 in Full 03/10/14.

192

193 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification
194 Citations Paid in Full March 2014:

195

196 ANDREWS, MICHAEL (AT 8757)
197 BEATON, COLLEEN (PT 19861)
198 MAHINAN, CONRADO (PT 14637)
199 NAGAHORI, LOUISE (AT 5473)
200 NUCKTON, JENNIFER (PT 19640)
201 SMITH, RONALD (PT 7707)
202 VAUGHAN, CHANTELE (PT 34621)
203 ZERR, LINDA (PT 6200)

204

205 **April 2014**

206

207 **HUDSON, TIMOTHY (PT 38201)**

208 Violation of B & P Codes: 141(a) Disciplinary Action Taken by Others. Citation and Fine Ordered 03/06/14.
209 Citation Paid in Full 04/09/14.

210

211 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification
212 Citations Paid in Full April 2014:

213

214 DAVIDSON, SHELLY (PT 25490)
215 GUENETTE, DAVID (PT 32644)
216 SAAFIR, KWAME (PT 21572)
217 SHERWOOD, LISA (AT 6807)

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Glossary of Terms

B & P Code – Business and Professions Code
H & S Code – Health and Safety Code
R & R – Rules and Regulations
CCR – California Code of Regulations

Accusations: Charges and allegations, which still must undergo rigorous tests of proof at later administrative hearings.

Citation & Fine: An alternative means to address relatively minor violations that are not discipline in order to protect the public. Citations and Fine Orders are not disciplinary actions, but are matters of public record.

Petition to Revoke Probation: A Petition to Revoke Probation is filed when a licensee is charged with violation of a prior disciplinary decision.

Probationary License: Where good cause exists to deny a license, the licensing agency has the option to issue a conditional license subject to probationary terms and conditions.

Statement of Issues Filed: When an applicant for licensure is informed the license will be denied for cause, the applicant has a right to demand a formal hearing, usually before an Administrative Law Judge. The process is initiated by the filing of a Statement of Issues, which is similar to an accusation.

Surrender of License: License surrenders are accepted in lieu of further proceedings.

Statement of Issues Decision: These are decisions rendered after the filing of a Statement of Issues.

Stipulated Decision: Negotiated settlements waiving court appeals.