



Physical Therapy Board of California

Department of Consumer Affairs

**May 13 & 14, 2015
Board Meeting
Loma Linda University
Randall Visitors Center**



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



Physical Therapy Board of California Notice of Public Meeting

Board Members

President

Debra Alviso, PT, DPT

Vice-President

Katarina Eleby

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Alicia Rabena-Amen, PT, MPT

James Turner, MPA

Carol Wallisch, MA, MPH

May 13, 2015 9:00 a.m.

May 14, 2015 9:00 a.m.

**Loma Linda University
Randall Visitors Center
11072 Anderson Street
Loma Linda, California 92350**

Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, 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, Roll Call and Establishment of Quorum**
2. **Special Order of Business – May 13, 2015 9:00 a.m.
Regulatory Hearing on Fees; Proposed Language to Amend Section 1398.50 and 1398.52 of Article 7, Division 13.2, Title 16 of the California Code of Regulations**
3. **Special Order of Business – May 13, 2015 9:15 a.m.
Regulatory Hearing on English Proficiency Requirements; Proposed Language to Amend Section 1398.25 and Add Section 1398.26.3 to Article 2, Division 13.2, Title 16 of the California Code of Regulations**
4. **Special Order of Business – May 13, 2015 9:30 a.m.
(A) Hearing on Petition for Termination of Probation – Victor Rusenescu, PT
(B) Hearing on Petition for Reinstatement of License – Suresh Kumar Ahuja**

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

5. **Closed Session**
 - (A) Pursuant to Government Code section 11126(c)(3)
Deliberation on Disciplinary Actions
 - (B) Pursuant to Government Code section 11126(a)(1)
Appointment, Employment, Evaluation of Executive Officer
 - (C) Pursuant to Government Code section 11126(c)(1)
Prepare, approve, grade or administer examinations

6. **Approval of Meeting Minutes – Brooke Arneson**
 - (A) [February 11 & 12, 2015](#)
 - (B) [March 15, 2015 Teleconference Meeting](#)

7. **Consumer and Professional Associations and Intergovernmental Relations Reports**
 - (A) Federation of State Boards of Physical Therapy (FSBPT)
 - (B) Department of Consumer Affairs (DCA)
 - (C) California Physical Therapy Association (CPTA)

8. **President’s Report – Dr. Alviso**
 - (A) [2015 Meeting Calendar](#)
 - (B) [2016 Proposed Meeting Calendar](#)

9. **Executive Officer’s Report – Jason Kaiser**

10. **Legislation Report – Brooke Arneson**
 - (A) [AB 12 \(Cooley\) State Government: Administrative Regulations: Review](#)
 - (B) [AB 19 \(Chang\) State Government: Regulations](#)
 - (C) [AB 85 \(Wilk\) Open Meetings](#)
 - (D) [AB 161 \(Chau\) Athletic Trainers](#)
 - (E) [SB 52 \(Walters\) Regulatory Boards: Healing Arts](#)
 - (F) [AB 333 \(Melendez\) Healing Arts: Continuing Education](#)
 - (G) [AB 483 \(Patterson\) Healing Arts: Initial License Fees: Proration](#)
 - (H) [AB 611 \(Dahle\) Controlled Substances: Prescriptions: Reporting](#)
 - (I) [AB 750 \(Low\) Business and Professions: Licenses](#)
 - (J) [AB 1060 \(Bonilla\) Professions and Vocations: Licensure](#)
 - (K) [SB 800 \(Hill\) Healing Arts](#)
 - (L) [AB 507 \(Olsen\) Department of Consumer Affairs: BreEZe System: Annual Report](#)
 - (M) Other 2015 Bills Potentially Impacting Physical Therapy Practice or Regulation or the Operation of the Physical Therapy Board
 - [AB 351 \(Jones-Sawyer\) Public Contracts: Small Business Participation](#)
 - [AB 410 \(Oberholte\) Documents Submitted to Legislative Committees](#)

11. **Rulemaking Report – Brooke Arneson & Liz Constancio**

12. Administrative Services Report – Liz Constancio

- (A) Budget
- (B) Outreach

13. Application & Licensing Services Report – Liz Constancio

14. Consumer Protection Services Report – Elsa Ybarra

15. 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)]

16. Agenda Items for Next Meeting – August 19 & 20, 2015

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

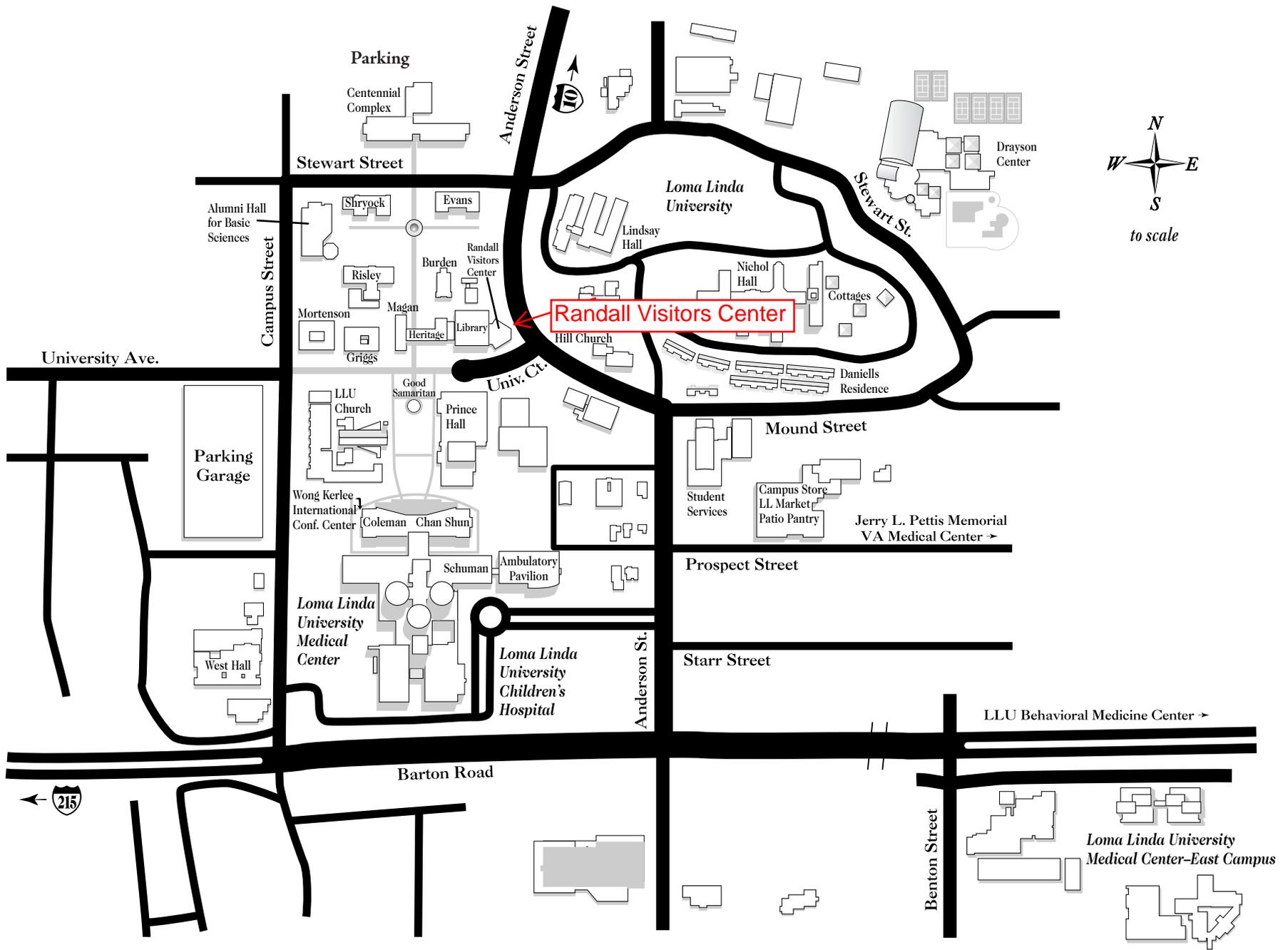
17. Adjournment

Informational Notes:

Times stated are approximate and subject to change. Agenda order is tentative and may be changed by the Board without prior notice. Action may be taken on any item on the agenda. This meeting will conform to the Bagley-Keene Open Meeting Act. 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 may be limited.

The Board plans to webcast this meeting on its website at www.ptbc.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

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 Brooke Arneson at (916) 561-8260, e-mail: brooke.arneson@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.



Roll Call

Loma Linda University, Randall Visitors Center, Loma Linda, CA

March 13, 2015

	Present	Absent
Debra J. Alviso, PT, DPT, President		
Katarina Eleby, Vice-President		
Jesus Dominguez, PT, PhD		
Daniel Drummer, PT, DPT		
Alicia Rabena-Amen, PT, MPT		
James E. Turner, MPA		
Carol A. Wallisch, MA, MPH		

March 14, 2015

	Present	Absent
Debra J. Alviso, PT, DPT, President		
Katarina Eleby, Vice-President		
Jesus Dominguez, PT, PhD		
Daniel Drummer, PT, DPT		
Alicia Rabena-Amen, PT, MPT		
James E. Turner, MPA		
Carol A. Wallisch, MA, MPH		



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



Briefing Paper

Date: April 29, 2015
Prepared for: PTBC Members
Prepared by: Brooke Arneson & Liz Constancio
Subject: Proposed Regulation: Fee Increase

Purpose:

To inform the Board on the status of the regulatory proposal to adopt previously repealed California Code of Regulations, Title 16, Division 13.2, Section 1399.50 and 1399.52 and provide information so the Board may direct staff on how to proceed.

Background:

At the February 2015 meeting, staff proposed to adopt sections 1398.50 and 1398.52 to the California Code of Regulations (CCR) to increase application, initial license and biennial renewal fees. After discussion and consideration of recommendations by Legal Counsel, the Board adopted the language as amended at the meeting and directed staff to notice the regulatory proposal for hearing at the May 2015 meeting.

Staff filed the Notice of Regulatory Change with the Office of Administrative Law (OAL), which was published March 20, 2015. The public is allowed 45 days to comment on the language, which ended May 4, 2015. The public may, however, also provide comment at the hearing scheduled for the first day of this meeting.

The proposed language is included for possible review and amendments after public comment. The Initial Statement of Reasons and Notice for this regulatory proposal are included for your reference.

Action Requested:

After the hearing, make one of the following motions:

(A) If the Board chooses to adopt the language as proposed:

“I move that we adopt the proposed regulatory language as noticed, and delegate to the Executive Officer the authority to make technical or non-substantive changes in completing the rulemaking file.”

(B) If the Board chooses to modify the proposed language, approve the modified text, and direct staff to move forward with the rulemaking process, the following motion should be made:

“I move that we approve the proposed regulatory language as modified at this meeting and direct staff to notice for 15-day public comment period. I delegate to the Executive Officer the authority to adopt the proposed regulatory changes, as modified, and delegate to the Executive Officer the authority to make technical or non-substantive changes that may be required in completing the rulemaking file.”

1 The Physical Therapy Board of California proposes to add sections 1399.50 and
2 1399.52 to Article 7, Division 13.2, Title 16 of the California Code of Regulations,
3 to read as follows:

4
5 1399.50 Physical Therapist Fees

6
7 Pursuant to section 2688 of the code physical therapist fees are fixed as follows:

8 (a) The application fee shall be \$125.00. For applications electronically submitted or
9 postmarked on or after January 1, 2016, the application fee shall be \$300.

10 (b) The application fee for foreign graduates under section 2653 of the code shall be
11 \$200.00. For applications electronically submitted or postmarked on or after January 1,
12 2016, the application fee for foreign graduates under section 2653 shall be \$300.00.

13 (c) The initial license fee shall be \$100.00. For those initial license fees electronically
14 submitted or postmarked on or after January 1, 2016 the initial license fee shall be
15 \$150.00.

16 (d) The biennial renewal fee shall be \$200.00. For licenses that expire on or after
17 January 1, 2016, the biennial renewal fee shall be \$300.00.

18 (e) The delinquency fee shall be \$100.00. For those delinquent after January 1, 2016
19 the delinquency fee shall be \$150.00.

20 Note: Authority cited: Section 2615, Business and Professions Code. Reference:
21 Sections 163.5 2644 and 2688, Business and Professions Code.

22
23 1399.52 Physical Therapist Assistant Fees

24
25 Pursuant to section 2688 of the code physical therapist assistant fees are fixed as
26 follows:

27 (a) The application and initial license fee shall be \$125.00. For application and initial
28 license fees electronically submitted or postmarked on or after January 1, 2016, the
29 application and initial license fee shall be \$300.00.

30 (b) The application and initial license fee for foreign graduates under section 2653 of the
31 code shall be \$200.00. For the application and initial license fee electronically submitted
32 or postmarked on or after January 1, 2016, the application and initial license fee for
33 foreign graduates under section 2653 shall be \$300.00.

34 (c) The biennial renewal fee shall be \$200.00. For licenses that expire on or after
35 January 1, 2016, the biennial renewal fee shall be \$300.00.

36 (d) The delinquency fee shall be \$150.00.

37 Note: Authority cited: Section 2615, Business and Professions Code. Reference:
38 Sections 163.5, 2644 and 2688, Business and Professions Code.

INITIAL STATEMENT OF REASONS

HEARING DATE: May 13, 2015

SUBJECT MATTER OF PROPOSED REGULATION: Physical Therapy Fees

SECTION(S) AFFECTED: California Code of Regulations, Title 16, Division 13.2, Adopt sections 1399.50 and 1399.52

SPECIFIC PURPOSE OF THE PROPOSED CHANGES:

The Physical Therapy Board of California (Board) proposes to adopt previously repealed California Code of Regulations, Title 16, Division 13.2, Section 1399.50 and 1399.52 increasing fees assessed to physical therapists and physical therapist assistants for application, initial licensure and biennial licensure renewal. Specifically, the Board is proposing the following:

- Adopt Section 1399.50 to increase the physical therapist application fee from \$125 to the statutorily authorized maximum of \$300, the physical therapist application fee submitted under Section 2653 from \$200 to the statutorily authorized maximum of \$300; the physical therapist initial license fee from \$100 to the statutorily authorized maximum of \$150; and the biennial renewal fee for physical therapists from \$200 to the statutorily authorized maximum of \$300.
- Adopt Section 1399.52 to increase the physical therapist assistant application and initial license fee from \$125 to \$300; the physical therapist assistant application submitted fee under Section 2653 from \$200 to the statutorily authorized maximum of \$300; and, the biennial license renewal fee for physical therapist assistants from \$200 to the statutorily authorized maximum of \$300.

The proposed increase in fees will enable the Board to effectively sustain operations necessary for protecting consumers through its licensing and enforcement functions.

FACTUAL BASIS/RATIONALE:

Business and Professions Code Section (BPC §) 163.5 establishes the criteria to determine the delinquency fee for any licensee within the Department of Consumer Affairs.

BPC § 2615 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry out the provisions of the Physical Therapy Practice Act.

BPC § 2644 specifies that every person practicing physical therapy in California shall pay a biennial renewal fee.

BPC § 2648 -2648.7 identifies those licensees who are exempt from payment of renewal fees.

BPC § 2682 provides that the funds received by the Treasurer under the authority of the Act, shall be placed in the Physical Therapy Fund.

Pursuant to BPC § 2602.1, protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

The Board primarily achieves this mandate by processing applications and issuing and renewing licenses to eligible physical therapist and physical therapist assistant applicants; investigating complaints; taking administrative action against licensees for substantiated violations of the Physical Therapy Practice Act (Act); monitoring licensees whose licenses have been placed on probation; and managing the Substance Abuse Recovery Program for licensees whose practice may be impaired due to abuse of drugs or alcohol.

Existing law authorizes the Board to assess fees associated with these duties and responsibilities, enabling the Board to carry out its mandate of consumer protection. BPC § 2688 sets the physical therapist and physical therapist assistant

initial license application fee at \$125 and authorizes the board to increase the amount for administering the application process to no more than \$300; sets the fee for an application for licensure as a physical therapist and physical therapist assistant submitted under BPC § 2653 at \$200 and authorizes the board to increase the amount for administering the application process for those applications submitted under BPC § 2653 to no more than \$300; sets the physical therapist initial license fee at \$100 and authorizes the board to increase the amount to no more than \$150; sets the physical therapist/physical therapist assistant renewal fee at \$200 and authorizes the board to increase the amount to no more than \$300; and, sets the delinquency fee at 50% of the renewal fee. There is no physical therapist assistant initial license fee.

The Board's existing application, initial licensure and biennial renewal fees have been in effect since March 1, 2009 but will soon become insufficient for supporting the Board in its mandated mission. Through this rulemaking, the Board will ensure sufficient resources to maintain current Board operations to meet its mandate of consumer protection until such time it can seek legislative authority to increase the caps imposed in current statutory language.

Problem:

A review of the Board's fund condition report (included as underlying data) demonstrates, since the last fee increase (2009), the overall revenue for the Board has increased by \$905,000 (38%), yet expenditures have increased by \$1,541,000 (83%). This creates a structural imbalance that is unsustainable without a fee increase. To emphasize this point, it is estimated that absent a fee increase, the Board's fund condition will be reduced to a deficit of 0.7 months in reserve by the end of fiscal year 2017/18. There are several factors attributing to this structural imbalance, one is the Physical Therapy Fund Loan to the General Fund. During fiscal year 2010/11, \$1.5 million was transferred to the General Fund from the Physical Therapy Fund. Currently, there is an outstanding repayment remaining of \$1.5 million, which is expected to be repaid during fiscal year 2015/16 since the Physical Therapy Fund will become insolvent. This repayment delays the Board's insolvency from fiscal year 2015/16 to 2017/18 fiscal year. It was the Legislature's intent that the loan repayment be made to ensure that the programs supported by this fund are not adversely affected through reduction in services or increased fees. Therefore, based on this provision, the loan is scheduled to be repaid in full before the Board implements this proposal.

Additional factors attributing to the structural imbalance of the Physical Therapy Fund are the costs the Board incurs to deliver its services but most notable are Enforcement, Pro Rata and Personnel costs. A comparison of detail expenditures between fiscal year 2008/09 (the last implementation of a fee increase) and fiscal year 2013/14 reveal an overall increase in expenditures of 83%.

The Board's enforcement-related cost has grossly increased from \$371,731 in fiscal year 2008/09 to \$1,339,997 (260%) in fiscal year 2013/14 and a projected increase to \$1,450,456 (290%) in fiscal year 2017/18. These escalating costs are partially attributed to the increase in the number of cases referred to the Department of Consumer Affairs' Division of Investigation (DOI). The expenditures for DOI investigations increased from \$134,683 in fiscal year 2008/09 to \$407,977 (203%) in fiscal year 2013/14. In 2014/15 the Board's DOI expenditures increased from \$146,809 to \$554,786 (36%). The Board projects DOI costs to increase to \$588,742 (337%) in 2017/18. The Office of Attorney General (AG) expenditures increased from \$138,496 in fiscal year 2008/09 to \$660,744 (391%) in fiscal year 2013/14 and a projected increase to \$715,210 (416%) in fiscal year 2017/18. The deficit in the AG allocation has required the Board to file a budget augmentation for the last four fiscal years. Lastly, the Office of Administrative Hearings costs increased from \$21,167 in fiscal year 2008/09 to \$87,970 (316%) in fiscal year 2013/14. These costs are projected to increase to \$95,221 in fiscal 2017/18 (350%).

The Board's pro rata cost assessed for services from the Department of Consumer Affairs has significantly increased from \$229,447 in fiscal year 2008/09 to \$422,877 (84%) in fiscal year 2013/14, with a projected increase in fiscal year 2017/18 to 575,972 (151%).

The Board's personnel expenditures increased from \$955,024 in fiscal year 2008/09 to \$1,340,967 (40%) in fiscal year 2013/14 and to 1,673,117 (75%) in fiscal year 2014/15. As the Board's application and licensing requirements have

increased over the past several years, the Board has required additional staffing levels. The Board is projecting an increase in personnel services to \$1,775,524¹ (86%)² in fiscal year 2017/18.

Another area of fund insufficiency, arose with the enactment of SB 198 (Chapter 389, Statutes of 2013), effective January 1, 2014, which amended the Physical Therapy Practice Act to allow a license fee exemption of those licensees in the military, disabled, volunteer and retired. This created a revenue loss of \$8600 in current fiscal year; however, it is possible there is a large percentage of retired licensees who are unaware of the exemption. A Gallup Poll done in 2013 determined 61 as the average age for retirement which is consistent with an unpublished article found in the Physical Therapy Journal. Retired member eligibility with the APTA starts at 55. There are approximately 7,500 licensees who will reach the age of 61 by 2017/18. The caveat to this statutory exemption is the Board absorbs the cost of these licensees since the licensee in retired status continues to be regulated by the Board. Therefore, for example, if the licensee in retired status were to sustain a criminal conviction, the costs of investigating and adjudicating would be absorbed by the Board.

In addition, the Board anticipates additional costs for the implementation of BreEZe, the Department of Consumer Affairs online enterprise licensing and enforcement solution established to improve services to the Board's stakeholders, the Fund condition will be even more foreboding.

The Board's application, licensure and renewal fees have been in effect since 2009, as a result of the last fee increase pursuant to AB 2111 (Chapter 301, Statutes of 2008). The Board has relied on those statutory fees since their enactment. However, if the Board does not increase the application processing, initial licensure and biennial renewal fees, the Board's operations will suffer and consequently the consumers of physical therapy will suffer as well. Lacking adequate funding to the Board's application processing and licensing program would delay applicants from obtaining a license. Subsequently, this would delay them from entering into the marketplace, inhibiting their ability to begin repayment of accumulated debt from higher education and most importantly, delaying consumer access to physical therapy.

Additionally, the Board's enforcement program would suffer from reductions in resources which would delay processing consumer complaints, conducting investigations, and referring egregious cases to the Attorney General's Office for prosecution. These types of delays would ultimately prevent the Board from efficiently and effectively protecting the public.

The revenue generated from these fees is placed in the Physical Therapy Fund and is utilized by the Board to carry out its responsibilities as required by the Physical Therapy Practice Act.

UNDERLYING DATA:

- (1) Physical Therapy Board of California Analysis of Fund Condition – Governor's Budget 14-15
- (2) Physical Therapy Board of California Analysis of Fund Condition – Governor's Budget 15-16 with Proposed Fees
- (3) Estimated Workload and Revenue with current fees.
- (4) Estimated Workload and Revenue with proposed fees.
- (5) Budget Augmentation Request for Fiscal Year's 2011/12, 2012/13 and 2013/14.

BUSINESS IMPACT:

The Board has made the initial determination that the proposed regulation would not have a significant, statewide adverse economic impact directly affecting business, including the inability of California businesses to compete with businesses in other States.

¹ This projection is based on a .02% annual increase and applies throughout the document.

² The percentage in increase is from fiscal year 2008/09 to 2017/18. This follows throughout the document.

The Board has determined that the following types of businesses may be affected by the proposed fee increase:

- Businesses owned by licensees of the Board that elect to pay for the licensure and renewal fees of its owners or employees.

Although businesses owned by licensees of the Board and businesses that employ licensees of the Board may be impacted, the Board estimates that the fiscal impact would be minor and absorbable to those businesses. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, the number or percentage of businesses that may be impacted cannot be predicted. Accordingly, the initial or ongoing costs for a business owned by a licensee that pays for the licensure and renewal fees of its physical therapist business owners and employees cannot be projected.

The proposed fee increase would impact individual licensees; however, the Board determined it would be minor and absorbable to the licensee since it would be less than 1% of a physical therapist or physical therapist assistant's annual income as estimated by the State of California, Employment Development Department (EDD).

ECONOMIC IMPACT ASSESSMENT:

This regulatory proposal will not create or eliminate jobs within the State of California because this proposed fee increase will not be of sufficient amount to have the effect of creating or eliminating jobs. It will not create new business or eliminate existing businesses within the State of California because this proposed fee increase will not be of a sufficient amount to have the effect of creating or eliminating business.

This regulatory proposal will not affect the expansion of businesses currently doing business within the State of California because the proposed fee increase will not be of a sufficient amount to have the effect of limiting or furthering the expansion of businesses.

This regulatory proposal does not affect worker safety because this proposal is not relative to worker safety.

This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

This regulatory proposal will correct the structural imbalance between the Board's revenue and expenditures and will allow the Board to maintain its current operating structure to provide consumer protection. The proposed fee increases will support the Board's licensing program so that it may continue to license qualified applicants to provide physical therapy care services to consumers. Additionally, the proposed fee increase will support the Board's enforcement program so that it may continue to process and investigate consumer complaints efficiently and effectively in the interest of patient/public consumer protection.

SPECIFIC TECHNOLOGIES OR EQUIPMENT: This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

1 – Keep the fees at their current level. However, as evidenced by the analysis of the Fund Condition, this would create a significant deficit for the Board and would prevent the Board from fulfilling its consumer protection mandate.

2 – Minimize enforcement, pro rata and personnel services. This would have a significant adverse impact in several areas of the Board operations affecting both licensees and consumers. Reductions in these services would delay processing consumer complaints, applications and licenses, preventing the Board from efficiently and effectively protecting the public. Pro rata costs are determined by control agencies and the Board lacks the ability to negotiate saving in these areas.

There is no reasonable alternative that would be either more effective than or as effective as and less burdensome on affected private persons than the Board's proposed regulation.

TITLE 16. Physical Therapy Board of California

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under contact person in this Notice must be received by the Physical Therapy Board of California at its office not later than **5:00 p.m. on May 4, 2015.**

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Loma Linda University
11072 Anderson Street
Loma Linda, California 92350
on
Wednesday, May 13, 2015
9:00 a.m.**

The Physical Therapy Board of California upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Section 2615 of the business and Professions Code, and to implement, interpret or make specific Section 2688 of said Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST:

BPC § 163.5 establishes the criteria to determine the delinquency fee for any licensee within the Department of Consumer Affairs.

BPC § 2615, authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry out the provisions of the Physical Therapy Practice Act.

BPC § 2644, specifies that every person practicing physical therapy in California shall pay a biennial renewal fee.

BPC § 2648 -2648.7 identifies those licensees who are exempt from payment of renewal fees.

BPC § 2682, provides that the funds received by the Treasurer under the authority of the Act, shall be placed in the Physical Therapy Fund.

BPC § 2688, sets the physical therapist and physical therapist assistant initial license application fee at \$125 and authorizes the board to increase the amount for administering the application process to no more than \$300; sets the fee for an application for licensure as a physical therapist and physical therapist assistant submitted under BPC § 2653 at \$200 and authorizes the board to increase the amount for administering the application process for those applications submitted under BPC § 2653 to no more than \$300; sets the physical therapist initial license fee at \$100 and authorizes the board to increase the amount to no more than \$150; sets the physical therapist/physical therapist assistant renewal fee at \$200 and authorizes the board to decrease or increase the amount to no more than \$300; and, sets the delinquency fee at 50% of the renewal fee. There is no physical therapist assistant license fee.

Through this rulemaking, the Board will ensure sufficient resources to maintain current Board operations to meet its mandate of consumer protection until such time it can seek legislative authority to increase the caps imposed in current statutory language.

As already noted above, BPC § 2682 directs the Board to establish a fund to carry out the Board's mandate of consumer protection. A review of the Board's fund condition report demonstrates, since the last fee increase (2009), the overall revenue for the Board has increased by \$905,000 (38%), yet expenditures have increased by \$1,541,000 (83%). This creates a structural imbalance that is unsustainable without a fee increase. To emphasize this point, it is estimated that absent a fee increase, the Board's fund condition will be reduced to a deficit of 0.7 months in reserve by the end of fiscal year 2017/18. However, to further exacerbate the problem, the Board anticipates additional expenditures for the implementation of BreEZe, the Department of Consumer Affairs online enterprise licensing and enforcement solution established to improve services to the Board's stakeholders, the Fund condition will be even more foreboding.

Additional factors attributing to the existing structural imbalance of the Physical Therapy Fund are the costs the Board incurs to deliver its services but most notable are Enforcement, Pro Rata and Personnel costs. A comparison of detailed expenditures between fiscal year 2008/09 (the last implementation of a fee increase) and 2013/14 reveal an overall increase in expenditures of 83%. More specifically, the Board has seen tremendous growth in its enforcement related costs which increased from \$371,731 in fiscal year 2008/09 to \$1,339,997 (260%) in fiscal year 2013/14, an increase in pro rata services from \$229,447 in fiscal year 2008/09 to \$422,877 (84%) in fiscal year 2013/14 and personnel expenditures increased from \$955,024 in fiscal year 2008/09 to \$1,340,967 (40%) in fiscal year 2013/14. Eliminating personnel services or enforcement costs is not an option as that would have a significant impact in several areas of the Boards operations thereby hindering its ability to protect consumers.

Finally, effective January 1, 2014, SB 198 (Chapter 389, Statutes of 2013) amended the Physical Therapy Practice Act to allow a license renewal fee exemption of those licensees in the military, disabled, volunteer and retired. Unfortunately this created a revenue loss and generated another source of responsibility for the Board for which it is not staffed.

The revenue generated from these fees is placed in the Physical Therapy Fund and is utilized by the Board to carry out its responsibilities as required by the Physical Therapy Practice Act.

Anticipated Benefits of Proposed Regulations

The Board considered specific benefits anticipated by the proposed amendment of the section described, including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things. As stated above, this proposal ensures sufficient resources to maintain current Board operations to meet its consumer protection mandate.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Physical Therapy Board of California conducted a search of any similar regulations on this topic and has concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

It is anticipated that the proposed fee increase will result in an increase in Board revenues for fiscal year 2016/17 by approximately \$1,838,550 and an increase to ongoing annual revenue by approximately \$1,751,817.

The Board does not anticipate any impact on federal funding.

This proposal does not impact any government owned business.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

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

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Physical Therapy Board of California are as follows:

Fee Type	Existing Fee	Proposed Fees
Physical Therapist (PT) Application	\$125	\$300
PT Application (submitted under BPC § 2653)	\$200	\$300
Physical Therapist Assistant (PTA) Application and License	\$125	\$300
PTA Application and License (submitted under BPC § 2653)	\$200	\$300
Initial License for PT's	\$100	\$150
Renewal for Both License Types (PT & PTA)	\$200	\$300

Effect on Housing Costs: None

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Physical Therapy Board of California has determined this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Effect on Small Business:

The Physical Therapy Board of California has determined the proposed regulations could have an effect on small business if the small business physical therapist owner elected to pay the renewal fees of its employees.

Benefits of Regulation:

The Physical Therapy Board of California has determined this regulation will benefit the health and welfare of California residents if the Board has adequate funding to support its mandated mission to protect California consumers of physical therapy.

CONSIDERATION OF ALTERNATIVES:

The Physical Therapy Board of California must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less

burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physical Therapy Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815 or on the website at: http://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

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

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

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

CONTACT PERSON

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

Brooke Arneson
2005 Evergreen Street, Suite 1350
Sacramento, California 95815
Telephone: (916) 561-8260
Fax: (916) 263-2560
Email Address: Brooke.Arneseon@dca.ca.gov

The backup contact person is:

Liz Constancio
2005 Evergreen Street, Suite 1350
Sacramento, California 95815
Telephone: (916) 561-8274
Fax: (916) 263-2560
Email Address: Liz.Constancio@dca.ca.gov

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



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



Briefing Paper

Date: April 29, 2015

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Proposed Regulation: English Proficiency Requirements

Purpose:

To inform the Board on the status of the regulatory proposal to amend section 1398.25 and adopt section 1398.26.3 into the California Code of Regulations, Title 16, Division 13.2, and provide information so the Board may direct staff on how to proceed.

Background:

At the February 2015 meeting, staff proposed to amend section 1398.25 and adopt section 1398.26.3 into the California Code of Regulations (CCR) to clarify English proficiency requirements for applicants who completed a non-accredited physical therapy program outside of the United States. After discussion and consideration of recommendations by Legal Counsel, the Board adopted the language as amended at the meeting and directed staff to notice the regulatory proposal for hearing at the May 2015 meeting.

Staff filed the Notice of Regulatory Change with the Office of Administrative Law (OAL), which was published March 27, 2015. The public is allowed 45 days to comment on the language, which ended May 11, 2015. The public may, however, also provide comment at the hearing scheduled for the first day of this meeting.

The proposed language is included for possible review and amendments after public comment. The Initial Statement of Reasons and Notice for this regulatory proposal are included for your reference.

Action Requested:

After the hearing, make one of the following motions:

(A) If the Board chooses to adopt the language as proposed:

“I move that we adopt the proposed regulatory language as noticed, and delegate to the Executive Officer the authority to make technical or non-substantive changes in completing the rulemaking file.”

(B) If the Board chooses to modify the proposed language, approve the modified text, and direct staff to move forward with the rulemaking process, the following motion should be made:

“I move that we approve the proposed regulatory language as modified at this meeting and direct staff to notice for 15-day public comment period. I delegate to the Executive Officer the authority to adopt the proposed regulatory changes, as modified, and delegate to the Executive Officer the authority to make technical or non-substantive changes that may be required in completing the rulemaking file.”

1 The Physical Therapy Board of California proposes to amend section 1398.25 and add section 1398.26.3
2 to Article 2, Division 13.2, Title 16 of the California Code of Regulations, to read as follows:

3 **§ 1398.25 Credentials Evaluation Services**

4 In accordance with Section 2653 of the code, the board will accept reports from credentials evaluation
5 services which meet all of the following criteria:

6 (a) The service retains the services of a physical therapist consultant(s) who is licensed as a physical
7 therapist in a state or territory of the United States and is used in an advisory capacity to review individual
8 cases for comparability to the educational and training requirements of Section 2650 of the code for hours
9 and content.

10 (b) The service is able to document the experience of its employees by producing positive letters of
11 reference from other state licensing agencies, educational institutions or professional organizations.

12 (c) The service is able to submit a report to the board that shall be based on a review of original
13 documentation of an applicant's credentials and shall document the following:

14 (1) The equivalent professional degree the foreign applicant would have received from an accredited
15 physical therapist education program located in the United States.

16 (2) Whether completion of the foreign applicant's physical therapist education and training entitles the
17 foreign applicant to practice as a physical therapist in the country where the education and training was
18 completed.

19 (3) Whether the foreign applicant achieved the minimum required scores within a single administration of
20 the Test of English as a Foreign Language (TOEFL) in accordance with section 1398.26.3(a) or is exempt
21 from such requirement pursuant 1398.26.3(b).

22

23 Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650, 2651
24 and 2653, Business and Professions Code.

25 **§ 1398.26.3 English Proficiency**

26 (a) In accordance with Section 2653 of the code, an applicant who graduated from a physical therapist
27 education program that is not approved by the board and is not located in the United States (a "foreign
28 applicant") must demonstrate English proficiency by achieving the following minimum scores within a
29 single administration of the test of English as a Foreign Language (TOEFL):

30 (1) Reading Section – 21

31 (2) Listening Section – 18

32 (3) Writing Section – 24

33 (4) Speaking Section - 26

34 (b) A foreign applicant who meets the following criteria is exempt from the requirement in subsection (a)
35 above:

36 (1) One who graduated from a college, university or professional training school in Australia, Canada,
37 (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States;

38 (2) One who is or would be exempt from TOEFL requirements pursuant to found at Title 8, Code of
39 Federal Regulations, section 212.15, subsection (g)(2)(ii), as it currently exists or is hereafter amended.

40

41 Note: Authority Cited: Section 2615, Business and Professions Code, Reference: Sections 2650, 2651,
42 and 2653, Business and Professions Code; Title 8, Code of Federal Regulations , section 212.15.

43

44

INITIAL STATEMENT OF REASONS

HEARING DATE: May 13, 2015

SUBJECT MATTER OF PROPOSED REGULATION: English proficiency requirements and credential evaluation service reports.

SECTION(S) AFFECTED: California Code of Regulations, Title 16, Division 13.2, Amend 1398.25 and Adopt 1398.26.3

SPECIFIC PURPOSE OF THE PROPOSED CHANGES:

The Physical Therapy Board of California (Board) proposes to amend section 1398.25 and adopt section 1398.26.3 into the California Code of Regulations (BPC), Title 16, Division 13.2 to clarify English proficiency requirements for applicants who completed a non-approved PT program outside of the United States. Specifically, 1) Set a passing score on the Test of English as a Foreign Language (TOEFL); 2) require the exam to be passed in one sitting; and, 3) Identify exemption qualifications. The proposed language also requires approved credential evaluation services (CES) to report on the evaluation the applicant's compliance on the TOEFL examination or exemption.

FACTUAL BASIS/RATIONALE:

Business and Professions Code Section (BPC§) 2615, authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry out the provisions of the Physical Therapy Practice Act.

BPC §2653, authorizes the Board to adopt regulations defining requirements for satisfying English Proficiency and authorizes the Board to require an applicant to submit documentation of their education to an approved CES for review and submission of a report to the Board.

SB 198 amended Business and Professions Code (BPC) § 2653 (b) of the Physical Therapy Practice Act (Act) when it was chaptered into law. The amendment requires an applicant for a license as a physical therapist who has graduated from a physical therapist education program, that is not approved by the Board and is not located in the United States, demonstrate proficiency in English by achieving a score specified by the Board on the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Services (ETS) or such other examination as may be specified by the Board by regulation.

Since TOEFL was required by statute prior to the promulgation of regulation, the Board has deferred to the examination score minimums set in federal regulation, Title 8, Code of Federal Regulations (CFR), section 212, subdivision (g), by the United States Citizenship and Immigration Services (USCIS) for immigrants seeking to come into the United States to practice physical therapy. The Board also has relied on the four board approved CES to report the scores to the Board on the credential evaluation report.

Problem

The Board finds the score minimums acceptable by USCIS for immigration purposes outdated and insufficient for consumer protection. Federal regulations allow for combining of scores of the multiple part exam from multiple sittings which the Board also finds insufficient for consumer protection. Although, consistent with federal regulation the board proposes to define in regulation those considered to be exempt from the TOEFL requirement for having studied in countries where English is not a foreign language. Finally, the CES reporting scores to the Board are doing so voluntarily since it is not mandated in regulation.

TOEFL is a test of English proficiency of individuals whom English is a foreign language. It contains four sections: Reading, Listening, Speaking and Writing. In the current version of the TOEFL, an applicant may receive up to 30 points for each section, for a maximum total score of 120.

Over a decade ago, the federal government began requiring tests of English proficiency for non-citizens coming into the US to practice physical therapy. While the USCIS recognizes the TOEFL, the current federal regulation does not mirror the current administration of the TOEFL. The federal regulation specifically refers to the old TOEFL and TSE (Test of Spoken English) scores by name and assigns a pass score for each. When those were no longer available, the concordance tables between the exams for the new integrated exam led to using the composite scores of reading, writing and listening which matched the old TOEFL, and the Speaking score matched the old TSE. Since those were two separate exams, they allowed the separate exams scores but this is no longer the case; therefore, USCIS is looking for ways to adjust this.

The figures below are the scores currently required by the USCIS-approved Foreign Credentialing Commission on Physical Therapy (FCCPT), which is authorized to issue certifications for physical therapists by the Secretary of Homeland Security in consultation with the Secretary of Health and Human Services. The minimum scores are:

TOEFL SECTION(S)	MINIMUM SCORE
Total Score	89
Composite of Reading Comprehension, Listening Comprehension and Writing	63 (equivalent to USCIS computer based score 220)*
Speaking	26 (equivalent to USCIS TSE score 220)*

*The scores recommended by USCIS in federal statute refer to exams that are no longer available. The TOEFL has been consolidated into one internet based test (TOEFL- iBT) and the scores have been converted from the original USCIS standard,

The Federation of State Boards of Physical Therapy (FSBPT) is a member organization of physical therapy state licensing boards. The FSBPT owns the National Physical Therapy Examinations and through a vote of its members, in 2017 will require each exam candidate to pass the TOEFL with the following passing scores:

TOEFL SECTION	MINIMUM SCORE	
Reading Comprehension	21	Total of 63
Listening Comprehension	18	
Writing	24	

Speaking	26
----------	----

The federal regulations allow applicants to use passing scores from multiple sittings/administrations of the exam; however, FSBPT will require applicants to pass all four sections in one sitting and applicants must pass each section with a minimum score.

The FSBPT reasons there is an established *minimum* standard for each scale reflecting different abilities with respect to English proficiency and demonstrating qualifications in each of the categories in a single setting better ensures the individual will be minimally competent to practice physical therapy in the United States. They further reason that since these aren't long tests (4.5 hours each) and since there are frequent retake opportunities (every 12 days), it could be quite easy to string together a few better-than-expected performances on each section and achieve a passing score.

Because FSBPT's rationale suggests a high degree of likelihood an applicant will be able to practice physical therapy in English and demonstrating qualifications in each of the categories in a single setting better ensures the individual will be minimally competent to practice physical therapy in the United States, the Board proposes to adopt minimum scores consistent with the FSBPT minimum scores for each section during a single administration of the examination.

The Board further rationalizes that adopting the federal regulations composite score of 63 for reading, writing and listening would not be in the best interest of public protection since an applicant could get a high score in writing and reading comprehension and a very low listening comprehension score, yet still pass the examination. Also, it appears that allowing the combining of scores was to address the transition to the new TOEFL exam format to be compliant with the current federal regulation, which is anticipated to be changed in the future. Another consideration is thirty three of the thirty four states requiring English proficiency have adopted the score pass point established by the FSBPT.

Federal regulation also provides an exemption for individuals who studied in countries where English is not a foreign language. Code of Federal Regulations (CFR), Title 8, § 212.15, subdivision (g)(2)(ii), states, "*The following aliens are exempt from the English language requirements: Aliens who have graduated from a college, university, or professional training school located in Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom, or the United States.*"

Additionally, CFR, Title 8, § 212.15, subdivision (h)(4)(i)(3), states: "*Physical therapists. An alien physical therapist who has graduated from a program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association (APTA) is exempt from the educational comparability review and English language proficiency testing.*"

Therefore, the Board proposes to cross reference the CFR, so individuals who studied in a country where English was not a foreign language, are exempt from the TOEFL requirement. Such exemption is also consistent with the purpose of the statute, to test those for whom English is a foreign language.

The proposed language requires approved credential evaluation services (CES) to report on the evaluation: 1) either the applicant's compliance on, or exemption of, the TOEFL examination and 2) the score was achieved in a single administration. While the CES at this time have agreed to report TOEFL scores on the credential evaluation report there is no mandated requirement.

UNDERLYING DATA:

1) Title 8, Code of Federal Regulations, section 212.15, subdivision (g).

BUSINESS IMPACT:

The Board has made the initial determination that the proposed regulation would not have a significant, statewide adverse economic impact directly affecting business, including the inability of California businesses to compete with businesses in other States. The initial determination is based on the fact that 1) according to the median salary of both a physical therapist and physical therapist assistant, as cited by the Employment Development Department, the increase in fees is less than 1% of the licensee's salary; 2) the California based approved CES was consulted and provided favorable input on the proposal along with those located nationwide.

ECONOMIC IMPACT ASSESSMENT:

This regulatory proposal will not create or eliminate jobs within the State of California because those applicants applying for licensure pursuant to BPC §2653 have been complying with the requirement since January 1, 2014. These applicants have also been required to meet the TOEFL requirements of USCIS for quite some time in order to immigrate into the United States.

It will not create new business or eliminate existing businesses within the State of California because this proposal will not affect businesses other than adding to the already existing reporting criteria of the California based CES.

This regulatory proposal would not affect the expansion of businesses currently doing business within the State of California because the California based CES already provides reports to the Board on behalf of select applicants.

This regulatory proposal benefits the health and welfare of California residents by assuring a physical therapy practitioner is proficient in English and is capable of communicating effectively with not only the patient, but other health care professionals, insurance companies, etc. is a benefit to the consumer and meets the Board's consumer protection mandate.

This regulatory proposal does not affect worker safety because this proposal is not relative to worker safety.

This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

SPECIFIC TECHNOLOGIES OR EQUIPMENT: This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

There is no reasonable alternative that would be either more effective than or as effective as and less burdensome on affected private persons than the Board's proposed regulation for the following reasons:

1398.26.3

The Board is mandated to define in regulation requirements for satisfying English proficiency. The definition could continue to defer to federal regulation; however, the Board has made the determination the standards set in federal regulation are outdated and insufficient for consumer protection.

1398.25

Remain as is – However, if the Board doesn't require the CES to report whether the applicant met the English proficiency requirements, the CES could at any time discontinue doing so.

TITLE 16. Physical Therapy Board of California

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under contact person in this Notice must be received by the Physical Therapy Board of California at its office not later than **5:00 p.m. on May 11, 2015.**

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Loma Linda University
11072 Anderson Street
Loma Linda, California 92350
on
Wednesday, May 13, 2015
9:15 a.m.**

The Physical Therapy Board of California upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Section 2615 of the Business and Professions Code, and to implement, interpret or make specific Section 2653 of said Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST:

Business and Professions Code Section (BPC §) 2615, authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry out the provisions of the Physical Therapy Practice Act.

BPC § 2653 authorizes the Board to establish in regulation credential evaluation criteria and to set a passing score on the Test of English as a Foreign Language (TOEFL).

SB 198 amended Business and Professions Code (BPC) §2653 (b) of the Physical Therapy Practice Act (Act) when it was chaptered into law. The amendment requires an applicant for a license as a physical therapist who has graduated from a physical therapist education program, that is not approved by the Board and is not located in the United States, demonstrate proficiency in English by achieving a score specified by the Board on the Test of English as a Foreign Language (TOEFL)

administered by the Educational Testing Services (ETS) or such other examination as may be specified by the Board by regulation.

Since TOEFL was required by statute prior to the promulgation of regulation, the Board deferred to the examination score minimums set by the United States Citizenship and Immigration Services (USCIS) for immigrants seeking to come into the United States to practice physical therapy; though, the Board finds the score minimums acceptable by USCIS for immigration purposes outdated and insufficient for consumer protection. Additionally, federal regulations allow for combining of scores of the multiple part exam from multiple sittings which the Board also finds insufficient for consumer protection. Although, consistent with federal regulation the Board proposes to define in regulation those considered to be exempt from the TOEFL requirement for having studied in countries where English is not a foreign language. Finally, the CES reporting scores to the Board are doing so voluntarily since it is not mandated in regulation.

Anticipated Benefits of Proposed Regulations

The Board considered specific benefits anticipated by the proposed amendment of the section described, including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things. The Board considered the assurance that a physical therapy practitioner is proficient in English and is capable of communicating effectively with not only the patient, but other health care professionals, insurance companies, etc. is a benefit to the consumer and meets the Board's consumer protection mandate.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Physical Therapy Board of California conducted a search of any similar regulations on this topic and has concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES:

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

The Board does not anticipate any impact on federal funding.

This proposal does not impact any government owned business.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

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

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

Effect on Housing Costs: None

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Physical Therapy Board of California has determined this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Effect on Small Business:

The Physical Therapy Board of California has determined the proposed regulations could have an effect on small business if the small business physical therapist owner elected to pay the renewal fees of its employees.

Benefits of Regulation:

The Physical Therapy Board of California has determined these regulations will benefit the health and welfare of California residents by ensuring physical therapists educated in a program not approved by the Board nor located in the United States is able to listen, speak, write and read the English language proficiently.

CONSIDERATION OF ALTERNATIVES:

The Physical Therapy Board of California must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physical Therapy Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815 or on the website at: http://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

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

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

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

CONTACT PERSON

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

Brooke Arneson
2005 Evergreen Street, Suite 1350
Sacramento, California 95815
Telephone: (916) 561-8260
Fax: (916) 263-2560
Email Address: Brooke.Arneseon@dca.ca.gov

The backup contact person is:

Liz Constancio
2005 Evergreen Street, Suite 1350
Sacramento, California 95815
Telephone: (916) 561-8274
Fax: (916) 263-2560
Email Address: Liz.Constancio@dca.ca.gov

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

Agenda Item 3 -- Regulatory Hearing on English Proficiency Requirements



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



1

Board Members

President

Debra Alviso, PT, DPT

Vice-President

Katarina Eleby

Members

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Alicia Rabena-Amen, PT, MPT

James Turner, MPA

Carol Wallisch, MA, MPH

Physical Therapy Board of California

DRAFT Meeting Minutes

February 11, 2015 9:00 a.m.

February 12, 2015 9:00 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

2 For convenience, subjects discussed during the meeting follow their original order on
3 the agenda in these minutes. Please note, however, issues were taken out of order
4 during the meeting.

5

6 **1. Call to Order and Roll Call**

7

8 The Physical Therapy Board of California (Board) meeting was called to order by
9 Dr. Alviso at 9:01 a.m. on February 11, 2015. All members listed above were
10 present and a quorum was established. Also present at the meeting were Laura
11 Freedman, Legal Counsel; Angelique Scott, Legal Counsel; Kurt Heppler, Legal
12 Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Consumer Protection
13 Services Manager; Liz Constancio, Administrative Services/Application and
14 Licensing Services Manager, Sarah Conley, Executive Associate Analyst and
15 Brooke Arneson, Associate Analyst.

16

17 **2. Practice of Wellness and Related Regulatory Requirements**

18

19 The Board revisited the topic of wellness. Wellness was added to the February
20 2015 meeting agenda to provide an opportunity for new Board members to
21 become familiar with issues. Mitch Kaye, PT, informed the Board that the CPTA
22 QPC is still receiving questions on wellness – what licensees can and cannot do
23 and whether the laws and regulations apply when providing wellness services,
24 specifically in the areas of documentation and use of assistive personnel. Tameka
25 Island, representing the CPTA, followed-up on the issue of assistive personnel.
26 She noted that BPC § 2630.4 states that a physical therapy aide is not prohibited
27 from administering massage, external baths, or normal exercise which is not part

1 of physical therapy treatment; therefore, the CPTA requests the Board consider
2 and address the following questions:

- 3
- 4 1. Is a physical therapy aide exempt from supervision when administering
5 massage or normal exercise?
- 6 2. Is a physical therapist required to document massage and normal exercise
7 rendered by a physical therapy aide?
- 8 3. Does this language imply the massage and normal exercise are not part of
9 physical therapy treatment?
- 10 4. What is the Physical Therapy Board of California's interpretation of
11 "normal exercise?"
- 12

13 The Board discussed various potential wellness issues that could result in a
14 complaint. Mr. Kaye questioned how the Board handles complaints related to
15 wellness.

16
17 Ms. Freedman responded these types of complaints would likely be reviewed by a
18 subject matter expert, who is also a physical therapist, to consider the professional
19 judgment that was exercised and determine whether it was reasonable and in
20 keeping with community standard. Ms. Freedman noted that this issue has the
21 potential to require a physical therapist to exercise a great deal of professional
22 judgment.

23
24 Mr. Kaye questioned whether the Board would publish wellness guidelines. Ms.
25 Freedman responded that for a regulatory agency, guidelines are essentially
26 regulations. An alternative to regulations would be a legal opinion; however, legal
27 opinions are, by their nature, specific, and this is a broad issue. Both are within the
28 Board's purview to pursue.

29
30 Mr. Kaiser and CPTA representatives discussed the possibility of the CPTA
31 drafting a "white paper" on wellness. Mr. Kaiser indicated material developed by
32 the profession is a resource for the Board in considering complaints as the
33 information contained within represents community standard, if not best practices.

34
35 Dr. Byle expressed her appreciation to the Board for considering the issue again.
36

1 **3. Closed Session**

2
3 **(A) Pursuant to Government Code section 11126(c)(3)**
4 **Deliberation on Disciplinary Actions**

5
6 Once issued, disciplinary decision can be found on the Board’s website at
7 www.ptbc.ca.gov.

8
9 **(B) Pursuant to Government Code section 11126(c)(1)**
10 **Prepare, approve, grade or administer examinations**

11
12 No discussion occurred on this item.

13 **(C) Pursuant to Government Code section 11126(e)**
14 **US Equal Employment Opportunity Commission (EEOC) Charge**
15 **Number 555-2012-00027**

16
17 No discussion occurred on this item.

18
19 **4. Draft Regulatory Language for Board Consideration and Possible Action for**
20 **the Following Sections of Division 13.2 of Title 16 of the California Code of**
21 **Regulations**

22
23 **(A) Fee Increase – *Liz Constancio***
24 **Regulation number(s) to be determined**

25
26 Ms. Constancio presented proposed regulatory language which would
27 increase application, initial license and biennial renewal fees effective
28 January 1, 2016. The proposed increase in fees will enable the Board to
29 effectively sustain operations necessary for protecting consumers through
30 its licensing and enforcement functions. Board budget staff was in the
31 process of completing a fee analysis which was anticipated to be attached,
32 but unfortunately was detained while waiting to receive costs associated
33 with BreZE implementation. Therefore, until a comprehensive analysis can
34 be completed, PTBC is proposing to increase fees to the statutory
35 authorized maximum. Staff requested the Board adopt the proposed
36 language at this meeting so that the fees may be implemented by January
37 1, 2016.

38
39 Dr. Drummer questioned what would happen to the Board if insolvency

1 occurred. Mr. Kaiser responded that possible legislative action may occur,
2 including a corrective action plan.

3
4 Mr. Turner stated that the proposed fee increase is justified and absolutely
5 necessary considering the increase in expenditures reflected on the data
6 analysis.

7
8 Ms. Constancio informed the Board that if fees were increased to the
9 statutory maximum, the Board would still reach insolvency in fiscal year
10 2019/20. The analysis does not include costs for BreEZe, Attorney General,
11 and increases in staff and growth. Mr. Kaiser pointed out that the Board in
12 the future may need to go to the legislature to have the statutory caps
13 increased.

14
15 Dr. Alviso questioned the data analysis for the Board's projected increase in
16 revenue with the fees set at the statutory maximum. Mr. Kaiser pointed out
17 that even with the proposed fee increase, the Board will become insolvent
18 in fiscal year 2019/20. Ms. Constancio clarified that the fee increase
19 proposal shows all fees increased to the maximum, which may not need to
20 occur.

21
22 Mr. Turner requested further clarification on the figures provided in the
23 analysis. He asked staff in the future to provide a breakdown of each figure
24 to ease confusion.

25
26 Dr. Alviso asked Board members to provide input to staff on if they were in
27 agreement to move forward with the regulatory process and what specific
28 information needed to be provided as the regulatory process continued. Mr.
29 Turner stated he was in consent to move forward with the regulatory
30 process for the fee increase with clarified data analysis. Ms. Eleby agreed
31 to adopt the language as amended and once information becomes available
32 on projected costs for BreEZe for those costs to be disclosed at the May
33 meeting. Dr. Drummer was in favor of moving forward with the concept of
34 the fee increase, however he was interested in having firmer figures
35 presented and what the impact would be on the Board. He was also
36 interested in potentially pursuing future amendments to the statute by
37 investigating the potential for legislative change to address insolvency in the
38 future. Ms. Rabena-Amen agreed to move forward with the regulatory
39 process, however stated she was looking forward to receiving further

1 information at the May meeting. Dr. Dominguez stated he agreed with
2 going forward with the proposed regulatory process, however he would like
3 to see revenue projections with the proposed fee increase in addition to
4 costs for BreEZe. Ms. Wallisch confirmed that she agreed with the other
5 Board members on moving forward with the data requested for the May
6 meeting. Dr. Alviso additionally approved moving forward with the proposed
7 regulatory process for the fee increase with the language as amended, with
8 hearing set for the May Board meeting.
9

10 The Board directed staff to complete the workload analysis, including
11 BreEZe costs, for presentation at the May Board meeting.
12

13 **MOTION: Notice language as amended for hearing at the next**
14 **meeting, and have staff prepare the notice and initial statement of**
15 **reasons with modified clarity issues.**
16

17 **M/S: Eleby/Wallisch**
18

19 **VOTE: 7-0 Motion carried**

20 **(B) Requirements for Graduates from Non-Accredited Programs: Test of**
21 **English as a Foreign Language (TOEFL) – Sarah Conley**
22 **Regulation number(s) to be determined**
23

24 Ms. Conley presented proposed regulatory language which would clarify
25 English proficiency requirements for applicants who completed a non-
26 accredited physical therapy program. Staff proposed a passing score on
27 the Test of English as a Foreign Language (TOEFL), identified exemption
28 qualifications, and specified the length of time the exam score is valid. The
29 proposed language also requires approved Credential Evaluation Services
30 to report on the evaluation of the applicant's TOEFL compliance or
31 exemption.
32

33 Dr. Alviso inquired as to what security measures are in place for the TOEFL.
34 Mr. Kaiser stated that the exam is taken at a secure facility and identity is
35 verified. In addition, Dr. Alviso asked if there has been a change in TOEFL
36 administration or passing score. Mr. Kaiser clarified that Educational
37 Testing Services (ETS) allows each entity utilizing the TOEFL to determine
38 the passing score or standard.
39

1 **MOTION: To adopt the proposed language as amended and**
2 **authorize staff to proceed with the Rulemaking Process.**

3
4 **M/S: Wallisch /Eleby**

5
6 **VOTE: 7-0 Motion carried**
7
8

9 **5. Approval of Meeting Minutes**

10
11 **(A) November 5 & 6, 2014**
12

13 Ms. Conley presented the November 2014 minutes for the Board's
14 consideration. The Board identified minor amendments to the minutes.

15
16 **MOTION: To adopt the draft November 5 & 6, 2014 meeting**
17 **minutes as amended at the meeting.**

18
19 **M/S: Drummer/Dominguez**

20
21 **VOTE¹: 7-0 Motion carried**
22
23

24 **(B) December 1, 2015 Teleconference Meeting**
25

26 Ms. Conley presented December 2014 teleconference meeting minutes for
27 Board consideration.

28
29 **MOTION: To adopt the draft December 1, 2014 meeting minutes as**
30 **presented.**

31
32 **M/S: Turner/Wallisich**

33
34 **VOTE: 7-0 Motion carried**
35

¹ All members present as reflected during the call to order participated in each vote unless otherwise indicated. Only the name of members voting against as motion, abstaining or recusing will be specified in these minutes.

1
2 **6. Consumer and Professional Associations and Intergovernmental Relations**
3 **Reports**

4
5 **(A) Federation of State Boards of Physical Therapy (FSBPT)**
6

7 Mr. Kaiser reported that the FSBPT will be holding a Board member orientation
8 training in June 2015, he noted the training is very informative and educational.
9 All members are encouraged to attend.

10
11 **(B) Department of Consumer Affairs (DCA)**
12

13 Ms. May presented on behalf of DCA. She reminded Board members that filing
14 Form 700 filings are due April 1st, and any member who submits will be assessed
15 a fine. Mr. Kaiser specified that the PTBC outreach coordinator, Jacki Maciel,
16 will be the contact for assistance with completing these forms. Ms. Constancio
17 reassured the members that Ms. Maciel will send an email outlining form filing,
18 training and paperwork requirements and deadlines.

19
20 **(C) California Physical Therapy Association (CPTA)**
21

22 Representatives from CPTA indicated they had no additional updates for the
23 Board. Dr. Alviso questioned the logistics of the 2015 California Student
24 Conclave. It was shared that this event will be hosted at CSU, Sacramento on
25 April 11-12, 2015. It is anticipated to bring nearly 300 PT and PTA students. Mr.
26 Kaiser noted he will be presenting on behalf of PTBC.

27
28 **7. President's Report - *Dr. Debra Alviso***
29

30 **(A) 2015 Meeting Calendar**
31

32 The Board reviewed the 2015 calendar that was adopted at the November 2014
33 meeting and all members indicated they had no conflicts with the scheduled
34 meetings. Mr. Kaiser shared that the May 2015 meeting will be held at Loma
35 Linda University.

36
37 **(B) 2016 Meeting Calendar**
38

39 The Board reviewed the proposed 2016 calendar that was presented and all

1 members indicated they had no conflicts with the scheduled meetings.

2
3 **8. Executive Officer's Report - Jason Kaiser**
4

5 Mr. Kaiser briefly elaborated on each item addressed in his report. He stated that
6 the BreEZe project has been a major draw on the PTBC's resources. He also
7 noted that PTBC staff continues to wage a successful, creative social media
8 campaign. Mr. Kaiser apprised the Board that Ms. Conley would be transitioning
9 into the Lead Analyst position in the Application and Licensing unit and Ms.
10 Arneson would be transferred into the Lead Analyst position in the Administrative
11 unit. He informed the Board that PTBC staff published the latest edition of its
12 newsletter, "PTBC Progress Notes- Fall 2014" with the greatly appreciated
13 assistance of PTBC's former Executive Officer, now Retired Annuitant, Rebecca
14 Marco. Mr. Kaiser highlighted that PTBC is looking forward to attending the
15 CPTA's 2015 Student Conclave at California State University, Sacramento
16 (CSUS).
17

18 **9. Legislation Report - Sarah Conley**
19

- 20 **(A) AB 12 (Cooley) State Government: Administrative Regulations: Review**
- 21 **(B) AB 19 (Chang) State Government: Regulations**
- 22 **(C) AB 85 (Wilk) Open Meetings**
- 23 **(D) AB 161 (Chau) Athletic Trainers**
- 24 **(E) SB 52 (Walters) Regulatory Boards: Healing Arts**
- 25 **(F) Other 2015 Bills Potentially Impacting Physical Therapy Practice or**
26 **Regulation**
27

28 Ms. Conley noted that at the August 2014 meeting, the Board requested staff to
29 submit a legislative proposal to amend BPC § 2650 to eliminate the eighteen-
30 week clinical experience requirement for physical therapist assistant programs
31 Staff submitted the Board's proposal to the Senate Business, Professions and
32 Economic Development Committee for inclusion in its omnibus bill. The
33 Committee approved the Board's proposal. Ms. Conley provided a brief
34 summary of the bills noticed on the agenda. Staff recommended a "Watch"
35 position for each bill.
36

- 37 **(A) AB 12 (Cooley) State Government: Administrative Regulations:**
38 **Review**
39

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

MOTION: To adopt a Watch position on AB 12
M/S: Wallisch/Dominguez
VOTE: 7-0 Motion carried

(B) AB 19 (Chang) State Government: Regulations

MOTION: To adopt a Watch position on AB 19
M/S: Wallisch/Turner
VOTE: 7-0 Motion carried

(C) AB 85 (Wilk) Open Meetings

MOTION: To adopt a Watch position on AB 85
M/S: Wallisch/Eleby
VOTE: 7-0 Motion carried

(D) AB 161 (Chau) Athletic Trainers

MOTION: To adopt a Watch position on AB 161
M/S: Wallisch/Turner
VOTE: 7-0 Motion carried

(E) SB 52 (Walters) Regulatory Boards: Healing Arts

MOTION: To adopt a Watch position on SB 52
M/S: Wallisch/Dominguez

1
2 **VOTE: 7-0 Motion carried**
3
4

5 **(F) Other 2015 Bills Potentially Impacting Physical Therapy Practice or**
6 **Regulation**
7

8 None at this time.
9

10 **10. Rulemaking - Sarah Conley**
11

12 At the November 2014 meeting, the Board adopted the 2015 Rulemaking Calendar
13 as required by Government Code (GC) § 11017.6. Staff developed a rulemaking
14 tracking form on which all rulemaking progress is noted and reported to the Board
15 at its quarterly meetings. Ms. Conley provided an overview on the Rulemaking
16 process. No action was requested on the presentation of the rulemaking report;
17 however, staff requested action for specific rulemaking items; under 4(A) and 4(B).
18

19 **(A) License Renewal Exemptions: Retired Status**
20

21 Ms. Conley reported that other rulemaking items are of greater urgency;
22 therefore staff is not moving forward with this proposal at this time.
23

24 **11. Administrative Services Report**
25

26 **(A) Budget – Carl Nelson**
27

28 Mr. Nelson presented the 2nd quarter budget report. He informed the Board that
29 based on current year expenditures and revenue, PTBC staff projects to
30 overspend its budget authority due to Attorney General and Office of
31 Administrative hearings projected expenditures. At this pace, the Board will over
32 expend both line items and will require an augmentation to the AG budget.
33 Board staff has prepared a request for this augmentation. In personnel services,
34 management has continued to move temporary help out of the blanket and into
35 permanent positions. This will positively affect the personnel services budget as
36 the year progresses. Revenue collection is consistent with recent past year
37 second quarter reports.
38

39 Ms. Wallisch questioned why the Board members line item is over expended

1 each year. Mr. Kaiser responded that this is due to the Board operating at full
2 capacity, and that the amount of enforcement measures and per diem entitled for
3 reviewing those cases is greater at this time.
4

5 Mr. Turner asked if zero based budgeting is used for building the budget. Mr.
6 Nelson referred this question to Mr. Taylor Schick, the Budget Officer at DCA.
7 Mr. Schick clarified that the State does not engage in zero based budgeting, the
8 Budget Office uses an incremental based budget where the previous year's
9 budget is carried over to the next fiscal year and incremental adjustments are
10 made. These adjustments are directed usually by a Budget Change Proposal or
11 direction from an Executive Order or Budget Letter. Mr. Turner inquired how long
12 incremental budgeting has been in practice. Mr. Schick responded that at least
13 since the 1990's; however there have been pilot programs where departments
14 have attempted zero based budgeting or performance based budgeting.
15 Mr. Turner questioned if incremental budgeting was going to be utilized to adjust
16 the Board members budget for next fiscal year. Mr. Schick responded that to
17 readjust that particular line item, the Budget Office would correctly reallocate the
18 personnel services budget with a net zero adjustment to properly realign the
19 Board member line item. Mr. Kaiser noted that it is very hard to anticipate
20 unknowns (i.e. enforcement) and that the budget is a constant flex and
21 adjustment process. Mr. Kaiser also highlighted that Ms. Constancio and Mr.
22 Nelson have spent a great deal of work to true up line item allocations to reflect
23 actual spending within PTBC's budget.
24

25 **i. Fee Increase – Taylor Schick and Beth Dutchler-DCA Budget Office**
26

27 Mr. Schick and Ms. Dutchler from the Budget Office provided a
28 Physical Therapy Fund condition statement and a fund analysis to the
29 Board. Mr. Schick pointed out that there is a structural imbalance in
30 the Physical Therapy Fund where Board expenditures are exceeding
31 revenue. In addition, not included in the fund condition statement
32 were unknown Attorney General and BreEZe costs which will be a
33 significant increase to the Board's expenditures making a fee increase
34 necessary.
35

36 Dr. Alviso questioned how many months the Physical Therapy Fund
37 should show a reserve. Mr. Schick responded more than three
38 months is preferable.
39

1 Ms. Rabena-Amen inquired if the Board will be expected to absorb all
2 of the BreEZe costs at once. Mr. Schick responded that the costs
3 would be absorbed over time. Mr. Kaiser clarified that next fiscal year,
4 the Board will show an increase in allocation for BreEZe costs. He
5 also noted that insolvency to the Physical Therapy fund, shown on the
6 fund condition statement does not include costs for BreEZe, which
7 makes it likely that insolvency to the Fund will come in FY 16/17, not
8 FY 17/18, which will require the Board to either increase fees or cut
9 costs. Mr. Kaiser stated that the Board is very frugal and consumer
10 protection is our primary mandate and we cannot skimp on that.

11
12 Dr. Alviso inquired to how the general fund loan repayment would
13 effect the proposed fee increase. Mr. Schick responded that the
14 general fund loan needs to be repaid prior to initiating a fee increase.

15
16 Mr. Turner asked if interest would be assessed for the general fund
17 loan. Mr. Schick stated that it does gain interest; however the
18 interest earned will not be fairly significant to the Physical Therapy
19 Fund.

20
21 Mr. Dominguez inquired if another loan could be be taken from the
22 Physical Therapy Fund. Mr. Schick responded that typically loans are
23 taken only during times of fiscal crisis.

24
25 Dr. Alviso questioned if the audit expense has been accounted for.
26 Ms. Constacio responded the audit did come out of the Fund under
27 the statewide pro rata line item.

28
29 **(B) Outreach – Jacki Maciel**

30
31 Ms. Maciel presented the Outreach report. Ms. Maciel noted that PTBC's
32 Facebook page reflects a vast increase in fans from the previous year. Utilizing
33 social media such as Facebook and Twitter allows the PTBC to post pertinent
34 information such as testing dates, discipline alerts and direct links for address
35 changes and other resourceful information for Licensee's and Consumers. The
36 PTBC Facebook account is ranked 4th in comparison with all boards/bureaus and
37 is ranked 1st within the healing arts boards/bureaus. Ms. Maciel highlighted that
38 PTBC staff is requesting contributions from Board members for potential articles
39 in preparation for PTBC's Newsletter, which is anticipated to issue this summer.

1 Ms. Maciel and Mr. Kaiser also encouraged Board members to provide PTBC
2 staff with suggestions and feedback for Facebook posts.

3
4 **12. Application & Licensing Services Report - Liz Constancio**
5

6 Ms. Constancio presented the Application and Licensing Services report. The
7 PTBC remains consistent with its increase in workload, more so, within its licensing
8 services which is due to the increased licensing requirements pursuant to the
9 revised Practice Act, effective January 2014. The revisions required PTBC to
10 allow renewal fee exemption and waivers for applicants meeting renewal
11 requirements for; military, disability, voluntary/unpaid services; and, retired status.
12 The Licensing Status Statistics had an increase which was a direct result of
13 increased licensee population and the increase of the newly implemented renewal
14 fee exemption/waiver. The PTBC conducted a basic analysis of the FSBT's
15 examination statistics, specifically California statistics and identified that the
16 National Physical Therapy Exam (NPTE) had a 68% pass rate with a slight
17 decrease in participation. This decrease may have been a result of the change in
18 the PT educational requirements, i.e., doctorate/master program, which has
19 increased graduation time frames, which affects students from participating in the
20 exam. There was a 7% increase in the pass rate of the California Law Exam
21 (CLE) from FY 13/14 to CY 14/15.
22

23 **13. Consumer Protection Services Report - Elsa Ybarra**
24

25 Ms. Ybarra presented the Consumer Protection Services report. She noted that
26 Debbie, Nardine, Senior CPS Analyst, retired from State service on December 31,
27 2014. She was a great asset to the program and her knowledge and dedication to
28 the Board were exceptional and she will be missed.
29

30 Ms. Ybarra stated that in the 2nd quarter, Performance Measure (PM) 3: Intake and
31 Investigation, 70% of cases closed were within the 90 day target. For
32 Performance Measure (PM) 4: Formal Discipline: the average for Q2 is based on
33 the final resolution of 14 cases.
34

35 The Board questioned why a handful of cases within the Performance Measure
36 (PM) 4 took longer than the Board's 540-day target. Ms. Ybarra explained that
37 DCA prescribed the PM4 target, and reminded the Board that the 540 day target
38 also includes AG and OAH processing times.
39

1 **14. BreEZe Presentation - Sean O'Connor, BreEZe Business Project Manager**
2

3 Mr. O'Connor delivered a presentation on the status of the BreEZe project and
4 provided a tutorial of what consumer and licensees will encounter when using the
5 public or front-end interface of BreEZe.
6

7 **15. Strategic Plan – Sarah Conley**
8

9 Ms. Conley distributed finalized copies of the 2014-2017 PTBC Strategic Plan.
10 At the November 2014 meeting, the Board adopted the strategic plan as amended.
11 Staff made the amendments as discussed at the meeting and forwarded the final
12 draft to DCA's Office of Publications, Design and Editing (PD&E). Using its artistic
13 expertise, PD&E produced a superiorly designed final product that was presented
14 at the meeting. With the plan complete, Board staff will begin formulating the
15 action plan, including setting tasks, identifying resources to be allocated to each
16 task, and establishing deadlines for completion of those tasks. The action plan will
17 guide staff in working to achieve the objectives, and ultimately goals that the Board
18 has promulgated. Although staff will continually monitor progress, the Board, at
19 the November 2014 meeting, requested staff provide annual strategic plan
20 progress reports at the last meeting of each year.
21

22 Mr. Turner questioned where the PTBC Strategic Plan will be displayed. Mr.
23 Kaiser stated that it will be posted prominently on PTBC's website and hard copies
24 will be available at the PTBC office and at DCA headquarters. In addition, copies
25 will be taken with PTBC staff for outreach activities. Ms. Eleby inquired as to
26 whether or not a digital copy of the Strategic Plan could be sent to schools. Mr.
27 Kaiser stated yes, that PTBC has increased its efforts to communicate with
28 stakeholders, including schools, and the goal is to send out the Strategic Plan
29 electronically to the stakeholders.
30

31 **16. Public Comment on Items Not on the Agenda**

32 *Please note the board may not discuss or take action on any matter raised during this public comment section*
33 *that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting.*
34 *[Government Code sections 11125 and 11125.7(a)]*
35

36 There was no public comment under this item.
37

38 **17. Agenda Items for Next Meeting – May 13 & 14, 2015**
39 **Loma Linda University**
40 **Loma Linda, CA**

1

2 **18. Adjournment**

3

4 The Board concluded the meeting on Thursday, February 12, 2015 and adjourned at
5 approximately 2:10 p.m.



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

Debra Alviso, PT, DPT, President
Katarina Eleby, Vice-President
Alicia Rabena-Amen, PT, MPT
Jesus Dominguez, PT, PhD
Daniel Drummer, PT, DPT
James Turner, MPA
Carol Wallisch, MA, MPH

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

March 15, 2015 12:00 p.m.

Department of Consumer Affairs
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815

Board Staff

Jason Kaiser, Executive Officer
Liz Constancio, Manager
Elsa Ybarra, Manager
Brooke Arneson, Executive Associate
Analyst

Additional Teleconference Locations

5475 North Fresno Street, Suite 110
Fresno, CA 93710

5058 Tudor Rose Glen
Stockton, CA 95212

1000 N Alameda Street., Suite 240
Los Angeles, CA 90012

1001 Potrero Ave
San Francisco, CA 94110

1540 E. Alcazar Street CHP-155
Los Angeles, CA 90089

1. Call to Order and Roll Call

The Physical Board of California (Board) meeting was called to order by Dr. Alviso at 12:00 p.m. All members were present and a quorum was established. Also present at the meeting at the Sacramento location were Laura Freedman, Legal Counsel; Elsa Ybarra, Consumer Protection Services Manager; and, Brooke Arneson, Executive Associate Analyst.

2. Public Comment on Items Not on the Agenda

There were no public attendees that wished to address the Board at the noticed locations.

3. Closed Session

Pursuant to Government Code section 11126(c)(3) – Deliberation of Disciplinary Actions

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

4. Adjournment

The Board concluded the meeting with closed session and adjourned at 12:55 p.m.

Physical Therapy Board of California Adopted 2015 Meeting Calendar

<u>January</u>						
Su	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

<u>February</u>						
Su	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

<u>March</u>						
Su	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

<u>April</u>						
Su	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

<u>May</u>						
Su	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

<u>June</u>						
Su	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

<u>July</u>						
Su	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

<u>August</u>						
Su	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

<u>September</u>						
Su	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

<u>October</u>						
Su	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

<u>November</u>						
Su	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

<u>December</u>						
Su	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

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 -
Loma Linda University
25 Memorial Day

August

19-20 PTBC Meeting -
Sacramento

November

5-6 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 Proposed 2016 Meeting Calendar

January							February							March						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
					1	2		1	2	3	4	5	6			1	2	3	4	5
3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
24	25	26	27	28	29	30	28	29						27	28	29	30	31		
31																				
April							May							June						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
					1	2	1	2	3	4	5	6	7				1	2	3	4
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30		
July							August							September						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
					1	2		1	2	3	4	5	6					1	2	3
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30	
31																				
October							November							December						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
						1			1	2	3	4	5					1	2	3
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
30	31																			

January

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

April

July

4 Independence Day

October

31 Halloween

February

10-11 PTBC Meeting – Sacramento
President's Day

May

8 Mother's Day
18-19 PTBC Meeting – Southern California
30 Memorial Day

August

24-25 PTBC Meeting – Sacramento

November

3-4 PTBC Meeting – Bay Area
11 Veteran's Day
24 Thanksgiving

March

27 Easter
31 César Chávez Day

June

19 Father's Day

September

5 Labor Day

December

25 Christmas



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



DATE: April 24, 2015

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 – Since my last report, the Administrative Services program has completed the recruitment process for two permanent intermittent (PI) Office Technician (OT) positions within the Application & Licensing Services programs; we would like to welcome Ms. Krystyn Lee. Ms. Lee will provide technical support within the Application & Licensing Services programs in efforts to alleviate backlogs. Ms. Lee is new to state service and has a strong background in customer service, specifically, within the retail industry. We would also like to welcome Mr. Toby Slade. Mr. Tobey will provide technical support within various program areas in efforts to alleviate backlogs. He will begin his assignment within the Administrative Services Program where he will be responsible for handling all cashiering functions. Mr. Tobey formally served with the State Board of Equalization (BOE) for over 2 years conducting cashiering functions. Prior to BOE, he was a Sales Associate and was responsible for providing customer service in a timely and satisfactory manner. In addition, Mr. Tobey shared his some of his areas of expertise, such as; his ability to accurately and competently keying data along with verifying information from remittance and source documents and having a strong work ethic with high regard for priority and organization, as well as meeting deadlines on time and within budget.

Update – May 4, 2015, the PTBC is currently recruiting for (1) Staff Services Analyst (SSA) position within the Consumer Protection Service Program.

Please refer to Agenda Item 11(A) for a more detailed Budget report.

BreEZe – The BreEZe project continues to tax the PTBC's time and resources. We are currently working on three key components of the project, User Acceptance Testing (UAT), Data Validation (DV) and Organizational Change Management (OCM). While these efforts are essential to the success of the BreEZe project, combined they take approximately a third of Staff time and do impact the normal day-to-day business of the PTBC. Below are brief explanations of these components;

UAT, Staff outlines and tests assorted Versa Regulation and Online interfaces and data entry scenarios in order to assess the functionality of the BreEZe database system.

DV, Staff reviews existing application, licensee, and enforcement databases for data errors and outdated data records as well as reviews data converted from legacy databases to the BreEZe database.

OCM focuses on identification of the Board's "as-is" business process activities, including cashiering, licensing, enforcement, and determination of how those processes change with "to-be" business process activities in the new BreEZe system. Identification of these process changes will help staff better prepare for the transition to and operate in the new BreEZe system.

Update – May 4, 2015, Due to a delay in BreEZe contract appropriations, "Go-Live" is anticipated to occur in early 2016. There will be additional costs to the programs; however, at this time those costs are undetermined.

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

OUTREACH – Since our last report our number of fans to our page has increased significantly. At the time of this report, we are over 1,800 likes and counting! We need topics for our Facebook Page and Twitter Accounts! Board member participation is encouraged; please submit your ideas or topics for posting.

A special thanks to Ms. Marco, thanks to her we are also working on the "PTBC Progress Notes – Fall 2015". Again, any ideas or topics for the newsletter are welcome.

The PTBC was in attendance at the CPTA's 2015 Student Conclave at California State University, Sacramento (CSUS), where we gave a presentation on the application process as well as the laws and regulations that govern the practice of physical therapy in California. It was well received and we would like to thank the Student Conclave for hosting.

Please refer to Agenda Item 11(B) for a more detailed report.

CONTINUING COMPETENCY – No update at this time; the Continuing Competency program's resources continue to be on loan to the Application and Licensing Services programs. With the upcoming staffing additions, we plan to start addressing the audit backlog, but due to training and transition, there is currently no estimate as to when we will begin.

APPLICATIONS & LICENSING – Please refer to Agenda Item 12 for a more detailed report.

CONSUMER PROTECTION – Please refer to Agenda Item 13 for a more detailed report.



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



Briefing Paper

Date: April 27, 2015
Prepared for: PTBC Members
Prepared by: Brooke Arneson
Subject: Legislation Report

Purpose:

To provide an update on pending legislation

Background and Update:

The 2015-16 legislative session commenced January 5, 2015. The 2015 legislative calendar is included in the meeting materials for your reference. As noted on the calendar, the last day to introduce bills was February 27th. The Legislature reconvened from Spring Recess on April 6th to resume policy committee and budget subcommittee hearings. Policy committees have until May 1st to hear measures with a fiscal impact and until May 15th to hear non fiscal bills. June 5th is the last day for bills to be passed out of the house of origin. September 4th is the last day to amend bills on the floor and September 11th is the last day for each house to pass bills. The Governor must sign or veto bills passed by the Legislature on or before September 11th. All statutes will take effect January 1st 2016. Staff continues to monitor legislation for amendments and progress. The bills that have been identified by staff as bills of interest are noted on the agenda.

To aid in consideration of the bills noted on the agenda, a bill analysis for each bill of interest is included in the meeting materials. In addition, a copy of the Board's legislative positions taken from the PTBC's Board Member Administrative Manual, is also included.

Action Requested:

To adopt the positions as recommended by staff on the bills presented at this meeting.

2015 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE
10/16/2014

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 5 Legislature reconvenes (J.R. 51(a)(1)).
- Jan. 10 Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 19 Martin Luther King, Jr. Day.
- Jan. 30 Last day to submit bill requests to the Office of Legislative Counsel.

FEBRUARY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

- Feb. 16 Presidents' Day.
- Feb. 27 Last day for bills to be introduced (J.R. 61(a)(1), (J.R. 54(a)).

MARCH						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Mar. 26 Spring Recess begins at end of this day's session (J.R. 51(a)(2)).
- Mar. 30 Cesar Chavez Day.

APRIL						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

- Apr. 6 Legislature reconvenes from Spring Recess (J.R. 51(a)(2)).

MAY						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- May 1 Last day for policy committees to hear and report to Fiscal Committees fiscal bills introduced in their house (J.R. 61(a)(2)).
- May 15 Last day for policy committees to hear and report to the Floor non-fiscal bills introduced in their house (J.R. 61(a)(3)).
- May 22 Last day for policy committees to meet prior to June 8 (J.R. 61(a)(4)).
- May 25 Memorial Day.
- May 29 Last day for fiscal committees to hear and report to the Floor bills introduced in their house (J.R. 61 (a)(5)). Last day for fiscal committees to meet prior to June 8 (J.R. 61 (a)(6)).

*Holiday schedule subject to final approval by Rules committee

2015 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE
10/16/2014

JUNE						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

June 1 – 5 Floor Session only. No committee may meet for any purpose (J.R. 61(a)(7)).

June 5 Last day for bills to be passed out of the house of origin (J.R. 61(a)(8)).

June 8 Committee meetings may resume (J.R. 61(a)(9)).

June 15 Budget must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

JULY						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

July 3 Independence Day observed.

July 17 Last day for policy committees to meet and report bills (J.R. 61(a)(10)).
Summer Recess begins at the end of this day's session, provided Budget has been enacted (J.R. 51(a)(3)).

AUGUST						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Aug. 17 Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

Aug. 28 Last day for fiscal committees to meet and report bills to the Floor (J.R. 61(a)(11)).

Aug. 31 – Sept. 11 Floor Session only. No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

SEPTEMBER						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Sept. 4 Last day to amend bills on the Floor (J.R. 61(a)(13)).

Sept. 7 Labor Day.

Sept. 11 Last day for each house to pass bills (J.R. 61(a)(14)).
Interim Study Recess begins at end of this day's session (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2015

Oct. 11 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 11 and in the Governor's possession after Sept. 11 (Art. IV, Sec.10(b)(1)).

2016

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 4 Legislature reconvenes (J.R. 51 (a)(4)).

*Holiday schedule subject to final approval by Rules committee

Definition of the Positions Taken by the Physical Therapy Board Regarding Proposed Legislation
(Board Policy)

The Board adopted 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. 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)

The Board President has 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.



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



Bill Analysis

Bill Number	AB 12	Version	Amended 4/22/15
Author	Cooley	Sponsor	Author
Subject	State Government: Administrative Regulations: Review	Status	Assembly – Accountability and Administrative Review

Adopted Position:
Watch

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

- Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.
- The act requires a state agency proposing to adopt, amend, or repeal a major regulation, as defined, to prepare a standardized regulatory impact analysis of the proposed change. The act requires the office and the Department of Finance to, from time to time, review the analyses for compliance with specific department regulations. The act further requires the office to, on or before November 1, 2015, submit a report on the analyses to the Senate and Assembly Committees on Governmental Organization, as specified.

This Bill

- This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, and after a noticed public hearing, review and revise that agency's regulations to eliminate any inconsistencies, overlaps, or outdated provisions in the regulations, adopt the revisions as emergency regulations, and report to the Legislature and Governor, as specified. The bill would further require each agency to, on or before January 1, 2017, compile an overview of the statutory law that agency administers.



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



2. This bill would instead require the office and department to annually review the analyses. The bill would also require the office to annually submit a report on the analyses to the Senate Committee on Governmental Organization and the Assembly Committee on Accountability and Administrative Review.

Background/Purpose

According to the Author's office, AB 12 "proposes a top to bottom review of existing regulations to eliminate any inconsistent, duplicative, or outdated provisions." The aim is to reduce unnecessary regulatory burdens. The bill also will require each agency to compile an overview of all legislative authority which the agency is charged with administering and a review of the key features of each program. Additionally, this bill would require more frequent reports to the Legislature on how regulatory agencies are complying with new rules to ease unduly burdensome regulations."

"I understand the sacred trust placed in elected officials to be good stewards of the people's money. To that end, I aim to use the power of this office, and the power of the Assembly, to shed light on government programs to ensure that regulations are not unduly burdensome, to create cost-savings, and higher accountability. A more streamlined and efficient government means a higher performing government," said Cooley.

Related Legislation

None at this time.

Fiscal Impact:

Unknown at this time.

Support and Opposition

None on file at this time.

Comments

None.

Action Required

None.



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



Bill Analysis

Bill Number	AB 19	Version	Amended 4/23/15
Author	Chang	Sponsor	Author
Subject	Governor's Office of Business and Economic Development: Small Business: Regulations	Status	Assembly – Jobs, Economic Development, and the Economy

Adopted Position:
Watch

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

Existing law creates the Governor's Office of Business and Economic Development (GO-Biz) to exercise various powers, including, among others, making recommendations to the Governor and the Legislature regarding policies, programs, and actions to advance statewide economic goals. Existing law establishes the Office of Small Business Advocate, within the Governor's Office of Business and Economic Development that is headed by the Director of the Office of Small Business Advocate who is also referred to as the Small Business Advocate (SBA).

This Bill

This bill would require the GO-Biz, under the direction of the advocate, to review all regulations affecting small businesses adopted prior to January 1, 2016, in order to determine whether the regulations need to be amended in order to become more effective, less burdensome, or to decrease the cost impact to affected sectors.

Background/Purpose

According to the Author's office, "AB 19 is intended to bring relief to the small business owners of California. Our state consistently ranks as one of the worst business climates due to heavy regulation and taxation. There is a direct nexus between this unfriendly business climate and California's unemployment rate and the highest poverty rate. Through the review of regulations impacting small businesses, the office of GO-Biz can shift that environment to one in which small businesses are hiring new employees



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



instead of closing their doors or moving on to other states. Within the office of GO-Biz, efforts have been made to aid small businesses with the regulatory process. This legislation pushes those efforts further. Instead of simply accepting regulations as they are, this legislation will do more by serving as a catalyst for change. By identifying where the challenges and redundancies exist, we can cut the red tape and clear the way for economic growth.”

Related Legislation

Current Session:

AB 419 (Kim) Compilation of Regulations: This bill requires GO-BIZ to compile annually, all regulations adopted by the state that affect small business and report to the Legislature. Status: Scheduled to be heard on April 21, 2015, in the Assembly Committee on Jobs, Economic Development and the Economy.

AB 582 (Calderon) Professionals in Public Service: This bill establishes the Professionals in the Public Service Program, under the administrative oversight of the Board of Equalization (BOE), for the purpose of utilizing the expertise of private sector professionals to help make BOE practices more accessible to small businesses. Status: Scheduled to be heard on April 21, 2015, in the Assembly Committee on Jobs, Economic Development, and the Economy.

AB 866 (E.Garcia) Small Business Impact Data: This bill expands the duties of the Small Business Advocate to include assisting state rulemaking agencies in identifying the aggregate number and size of business which may be affected by a proposed new or amended regulation. Status: Scheduled to be heard on April 21, 2015, in the Assembly Committee on Jobs, Economic Development, and the Economy.

AB 1286 (Mayes) California Regulatory Reform Council: This bill establishes the California Regulatory Reform Council (Council) for the purpose of analyzing the holistic impact of all levels of state and local regulations on specific industries operating within the state. The Council’s recommendations may be made to the Governor and the Legislature, as appropriate. Status: Scheduled to be heard on April 21, 2015, in the Assembly Committee on Jobs, Economic Development, and the Economy.

Prior Sessions:

AB 393 (Cooley) GO-Biz Website: This bill requires the Director of GO-Biz to ensure that the GO-Biz website contains information on the fee requirements and fee schedules of state agencies. Status: Signed by the Governor, Chapter 124, Statutes of 2013.

AB 1098 (Quirk-Silva) Small Business Regulation Report: As passed by JEDE, this bill would have directed the Office of the Small Business Advocate within GO-Biz to



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



commission a study of the costs of state regulations on small businesses every five years. Amendments taken in the Senate deleted the content of the bill and added language relating to legal documents provided over the internet with Assemblymember Gray as the author. Status: Died in the Senate Committee on Rules, 2014.

AB 1400 (Assembly Committee on Jobs, Economic Development, and the Economy) Export Document Certificates: This bill modifies the state's Export Document Program to accept requests electronically, expedite approval of existing labels, and extend the term of the export labels from 180 days to 365 days, in order to alleviate backlog of exports of food, drug, and medical devices. Status: Signed by the Governor, Chapter 539, Statutes of 2013.

AB 1711 (Cooley) Economic Impact Assessment: This bill requires an economic impact assessment to be included in the Initial Statement of Reasons that a state agency submits to the Office of Administrative Law when adopting, amending, or repealing a non-major regulation. Status: Signed by the Governor, Chapter 779, Statutes of 2014.

SB 176 (Galgiani) Outreach on Administrative Procedures: This bill would have amended the Administrative Procedure Act by requiring state agencies to make a reasonable effort to outreach and provide notice to affected entities when developing regulations. Statutes: Held on the Suspense File of the Assembly Committee on Appropriations, 2013.

SB 617 (Calderon) State Government and Financial and Administrative Accountability: This bill revises the state Administrative Procedure Act to require each state agency adopting a major regulation to prepare an economic impact analysis and requires state agencies to implement ongoing monitoring of internal auditing and financial controls and other best practices in financial accounting. Status: Signed by the Governor, Chapter 496, Statutes of 2011.

SB 981 (Huff) Review of Prior Regulations: This bill would have required each state agency to review each regulation adopted prior to January 1, 2014, and to develop a report to the Legislature containing prescribed information. Among other information, the report would have included the regulations purpose, identification of impacted sectors, direct costs by sector, and an assessment as to whether the regulation needs updating. Status: Died in Senate Committee on Governmental Organization, 2014.

SB 1099 (Wright) Streamline Implementation of Regulations: This bill requires new regulations to become effective on one of four dates in any given year. This limitation is designed to create a regulatory environment that is more predictable. In addition, the bill requires regulations to be posted on the internet website in an easily identifiable location for a minimum of six months. Status: Signed by the Governor, Chapter 295, Statutes of 2012.



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



Fiscal Impact:

Unknown at this time.

Support and Opposition

Opposition raises a number of issues relative to implementation of AB 19 including that the resources to undertake a review of every regulation adopted before January 1, 2016, would be colossal and that these resources could be better spent elsewhere. Another issue of concern is GO-Biz' ability to review highly technical regulation and determine whether there is a workable alternative.

Comments:

None.

Action Required

None.



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



Bill Analysis

Bill Number	AB 85	Version	Amended 4/15/15
Author	Wilk	Sponsor	Author
Subject	Open Meetings	Status	Assembly – Appropriations Suspense File

Adopted Position:
Watch

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. The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.
2. The Bagley-Keene Open Meeting Act, set forth in Government Code Sections 11120-11132, covers all state boards and commissions and generally requires these bodies to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized by the Act to meet in closed session. The Ralph M. Brown Act (Brown Act), set forth in Government Code Section 54950 et seq., governs meetings of legislative bodies of local agencies. In general, both Acts are virtually identical. While both acts contain specific exceptions from the open meeting requirements where government has demonstrated a need for confidentiality, such exceptions have been narrowly construed by the courts.

This Bill

1. This bill would specify that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.



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



2. This bill would declare that it is to take effect immediately as an urgency statute.

Background/Purpose

Purpose: According to the author, the current definition of "state body" in the Bagley-Keene Act contains an ambiguity with respect to whether standing committees composed of fewer than three members need to comply with the public notice and open meeting requirements of the Act. The author contends this ambiguity has been interpreted by certain state agencies to allow standing committees to hold closed-door meetings so long as those committees contain fewer than three members and do not vote on action items. AB 85 would clarify that all standing committees are subject to the transparency of open meeting regulations.

Background: Open Meeting Acts- the Government Code contains two parallel open meeting statutes, the Bagley-Keene Act for state government, and the Ralph M. Brown Act (the Brown Act) for local governments. The philosophy underpinning the two acts is that transparency and consensus should be favored over administrative efficiency in most cases. The acts explicitly mandate open meetings for state and local agencies, boards, and commissions, providing the public with the ability to monitor and participate in the decision-making process. Prior to 1993, the Bagley-Keene Act and the Brown Act contained very similar definitions for "state body." Following an interpretation of that definition by a particular local government to exempt two-member standing committees from the open meeting requirements of the Brown Act, the Legislature amended the definition of "state body" to clarify that advisory bodies with continuing subject matter jurisdiction or a regular meeting schedule fixed by formal action are legislative bodies (akin to state bodies).

Related Legislation

Current Session:

None.

Prior Sessions:

AB 2058 (Wilk), 2013-2014 Legislative Session. An urgency measure would have required all standing committees of a state body, irrespective of composition, that has a continuing subject matter jurisdiction or fixed meeting schedule to comply with the provisions of the Act. Vetoed by Governor Brown. The veto message stated, "This bill expands the definition of a state body, under the Bagley-Keene Open Meeting Act, to standing advisory committees with one or two members. Any meeting involving formal action by a state body should be open to the public. An advisory committee, however, does not have authority to act on its own and must present any findings and



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



recommendations to a larger body in a public setting for formal action. That should be sufficient."

AB 2720 (Ting), Chapter 510, Statutes of 2014. Requires a state body to publicly report any action taken at an open meeting, and the vote or abstention on that action, of each member present for the action.

SB 751 (Yee), Chapter 257, Statutes of 2013. Required local agencies to publicly report any action taken and the vote or abstention of each member of a legislative body.

SB 103 (Liu), 2011-12 Session. Would have made substantive changes to provisions of the Act relating to teleconference meetings. (Died Assembly Appropriations Suspense File)

AB 277 (Mountjoy), Chapter 288, Statutes of 2005. Made permanent certain provisions authorizing closed sessions for purposes of discussing security related issues pertaining to a state body.

AB 192 (Canciamilla), Chapter 243, Statutes of 2001. Made various changes to the Act, which governs meetings held by state bodies, to make it consistent with provisions of the Brown Act, which governs meetings of legislative bodies of local agencies.

SB 95 (Ayala), Chapter 949, Statutes of 1997. Made numerous changes to the Act by expanding the notice, disclosure and reporting requirements for open and closed meetings of state bodies.

SB 752 (Kopp) Chapter 32 of 1994; SB 1140 (Calderon) Chapter 1138 of 1993; and SB 36 (Kopp) Chapter 1137 of 1993. These measures extensively amended the Brown Act.

Fiscal Impact:

Unknown at this time.

Support and Opposition

Arguments in Support: The California Association of Licensed Investigators (CALI) writes that the bill would provide for enhanced transparency in the proceedings of government. AB 85 will help to ensure that the public is provided with the critical opportunity to become aware of proposals, and to provide meaningful comment.

Support: California Association of Licenses Investigators

Arguments in Opposition: California Board of Accountancy (CBA) states that this bill would prevent the CBA, and all of its various committees, from asking fewer than three members to review a document, draft a letter, provide expert analysis, or work on legal language without giving public notice. Under current law, the advisory activities of these two-member bodies are already vetted and voted upon in a publically noticed meeting of the whole committee or board. In addition, making advisory activities of two members



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



open to the public will greatly increase costs, as a staff member would need to travel to attend the meeting for the purpose of recording minutes. Agencies would also need to contract for meeting space that would be able to accommodate the public, thus incurring further costs.

Oppose: California Board of Accountancy

Comments

None.

Action Required

None.



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



Bill Analysis

Bill Number	AB 161	Version	Amended 3/17/15
Author	Chau	Sponsor	Author
Subject	Athletic Trainers	Status:	Senate Pending Referral

Adopted Position:
Watch

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

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent (Business and Professions Code Section 18895).

This Bill

1. Prohibits a person from holding himself or herself out to be an athletic trainer (AT) or a CAT, or from using the term "AT," "ATC," or "CAT," to imply or suggest that the person is an AT unless he or she meets the following requirements:
 - a. He or she has done either of the following:
 - i) Graduated from a college or university after completing and athletic training education program accredited by the Commission on Accreditation of Athletic Training Education (CAATE) or its predecessors or successors; or
 - ii) Completed eligibility requirements for certification by the Board of Certification, Inc. (BOC) prior to January 1, 2004; and
 - b. He or she is certified by the BOC, prior to January 1, 2004
2. States that it is an unfair business practice, as specified, for a person to use the title "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 AT if he or she does not meet the specified requirements.



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



3. Provides that a person who has worked as an AT in California for a period of 20 consecutive years, prior to January 1, 2016, and who is not otherwise eligible to use the title "athletic trainer," may use the title "athletic trainer."

Background/Purpose

Purpose: This bill is sponsored by the California Athletic Trainers Association. According to the author, "ATs specialize in the prevention, diagnosis and intervention of emergency, acute, and chronic medical conditions involving impairment, functional limitations, and disabilities. Their clients include a wide range of people engaged in physical activities from professional and amateur athletes to industrial workers and entertainers. ATs are employed by professional sports teams, colleges and universities, high schools, outpatient rehabilitation clinics, hospitals, industry/corporations, performing arts groups, physicians, the military and other institutions. Nearly 40 percent of ATs in California work with non-athletes in various industries because they can reduce employee injuries and worker's compensation costs.

Although many high school and college sports teams already employ ATs, and several California State University campuses offer bachelor degrees in athletic training, California is the only state that does not regulate this vital and growing profession. Currently, anyone can label him or herself an AT without the proper education, training, or certification. Without state oversight, the public could be harmed by relying on someone who calls themselves an AT without the appropriate background. This bill would protect Californians by ensuring that only those people who have the proper education, training, and certification may call themselves an AT."

Background: This bill would establish a title protection for ATs who have been certified by the BOC, meaning that individuals who are not certified would be prohibited from holding themselves out as an AT. This bill provides an exemption for those individuals who have been practicing as an AT for 20 consecutive years prior to January 1, 2016. According to the National Athletic Trainers Association (NATA), ATs are health care professionals who collaborate with physicians to provide preventative services, emergency care, clinical diagnosis, therapeutic intervention and rehabilitation of injuries and medical conditions. ATs work in a variety of settings, including schools, colleges, professional sports, clinics, hospitals, corporations, industry, performing arts venues, municipalities (e.g. fire and police departments) and the military.

Students who want to become CATs must earn a degree from an accredited athletic training curriculum. Accredited programs include formal instruction in areas such as injury and illness prevention, first aid and emergency care, assessment of injury and illness, human anatomy and physiology, therapeutic modalities, and nutrition and include both classroom learning and clinical education experience. More than 70 percent of certified ATs hold at least a master's degree. California is one of only two states which do not regulate the athletic training profession. According to the sponsor, there are 2913 CATs in California. However, it is unknown how many ATs may be



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



practicing in California who have not been certified by the BOC. According to the author, despite the vital role ATs play in safety, the lack of regulation in California creates a great risk that people who have lost or are unable to obtain licensure in other states will come here to practice, putting the public in danger and degrading the standards of the profession as a whole. The lack of regulation also allows individuals with no education at all to practice as an AT. This bill would specifically prohibit individuals who have not met certification standards or who have not been practicing athletic training for 20 consecutive years prior to January 1, 2016 from holding themselves out as an "AT," "CAT," or "ATC."

Related Legislation

Current Legislation:

AB 1279 (Holden) of the current legislative session, establishes title protection for Music Therapists who have completed education and clinical training requirements as specified. Status: This bill is pending in the Assembly Committee on Business and Professions.

Prior Sessions:

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 284 (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



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



AB 614 (Lowenthal) of 2003 would have required the Department of Consumer Affairs to review the need for licensing of ATs. Note: AB 614 was held in the Senate Business, Professions and Economic Development Committee.

AB 2789 (Lowenthal) of 2002 would have required the Department of Consumer Affairs to review the need for licensing of ATs and undertake an occupational analysis. Note: AB 2789 was held on the Assembly Appropriations Committee Suspense file.

Fiscal Impact:

None. This bill is keyed non-fiscal by the Legislative Counsel.

Support and Opposition

Arguments in Support: The California Athletic Trainers' Association writes in support, "California is the only state that does not regulate this vital and growing profession. Currently, anyone can label themselves as an athletic trainer without the proper education, training or certification. Without state oversight, the public could be harmed by relying on someone who calls themselves an athletic trainer but does not have the appropriate education, training or certification. This bill would protect Californians by insuring that only those who have the proper education, training and certification may call themselves an athletic trainer."

Support:

California Athletic Trainers' Association (sponsor)
American Medical Society for Sports Medicine
Association of Independent California Colleges and Universities
Board of Certification, Inc.
California College and University of Police Chiefs
University of Southern California
1300 individuals (approximate)

Arguments in Opposition:

None on file.

Comments

Legislation providing title protection or some form of registration has been passed and vetoed four separate times in past legislative sessions. The most recent was AB 1890 (Chau) of 2014. The provisions of AB 1890 were substantially similar to those contained in this bill; however, the Governor ultimately vetoed AB 1890 and cited concerns in his veto message about the necessity of the bill. According to the Governor's veto message "this bill would make it illegal for any person to use the title of "athletic trainer" unless that person goes to college, gets a bachelor degree and meets various other certification requirements. These conditions impose unnecessary burdens on athletic trainers without sufficient evidence that they are really needed." Because this bill is substantially similar to AB 1890, the Committee may wish to inquire of the author what



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



steps have been taken to alleviate the Governor's concerns as presented in his veto message.

Action Required

None.



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



Bill Analysis

Bill Number	SB 52	Version	Introduced 12/19/14
Author	Walters	Sponsor	Author
Subject	Regulatory Boards: Healing Arts	Status	Senate- Rules

Adopted Position:
Watch

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

Existing law creates various regulatory boards within the Department of Consumer Affairs. Existing law authorizes health-related boards to adopt regulations requiring a licensee to display his or her license or registration in the locality in which he or she is treating patients and to make specified disclosures to patients.

This Bill

This bill would make technical changes to that provision.

Background/Purpose

None at this time.

Related Legislation

None at this time.

Fiscal Impact:

None.

Support and Opposition

None at this time.

Comments

None.

Action Required:

None.



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



Bill Analysis

Bill Number	AB 333	Version	Amended 3/26/13
Author	Melendez	Sponsor	Author
Subject	Healing Arts: Continuing Education	Status	Assembly – Business and Professions

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. Provides for the licensure and regulation of various healing arts licenses by various boards within the Department of Consumer Affairs (DCA) and imposes various continuing education (CE) requirements for license renewal. (Business and Professions Code (BPC) §§ 500-4999.129).
2. Requires the Director of the DCA to establish guidelines for mandatory CE administered by the boards under the DCA, including, among other things, the CE's relevancy to the occupation. (BPC § 166).

This Bill

1. Authorizes healing arts licensees, who are required to complete CE units as a condition of renewing their license, to earn one unit of CE credit by attending a course that results in the licensee becoming a certified instructor of CPR or the proper use of an AED.
2. Authorizes healing arts licensees, who are required to complete CE units as a condition of renewing their license, to apply up to two units of CE credit towards the requirement for conducting CPR or AED training sessions for employees of school districts and community college districts in the state.
3. Defines "unit" as a measurement for continuing education, such as hours or course credits.



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



Background/Purpose

Purpose: This bill is sponsored by the author. According to the author, “As cardiac emergencies become more common on school campuses, it is not only imperative that our schools have lifesaving resources available to faculty and administration, but the ability to provide the faculty and administration with hands-on training with those resources. By incentivizing licensed medical professionals to provide this training in turn for continual education credit, we are providing a no-cost solution that will allow school officials to become familiar with the technology. This will ultimately lead to less hesitation in emergency environments and increases in the success rate of cardiac emergency care.”

Background: All 20 healing arts boards under the DCA develop their own CE curriculum for licensees and approve the providers that offer the CE courses. However, they are limited to CE that is relevant to the profession. Current law specifies that the purpose of CE is “...to create a more competent licensing population, thereby enhancing public protection” (BPC § 166). Further, the boards often have limiting language within their practice acts. For instance, the Dental Board is permitted to establish its own CE curriculum within the general areas of patient care, health and safety, and law and ethics (BPC § 1645). The Medical Board’s standards are aimed at maintaining, developing, or increasing the knowledge, skills, and professional performance that licensees use to provide care (BPC § 2190.1). Using the criteria set out in statute, the boards then determine relevant CE courses and approve the providers that teach the courses. This bill would permit the licensees of healing arts boards to use CPR and AED instructor certification courses and teaching sessions to earn credit towards the CE requirements established by the boards, regardless of the approved CE courses.

Related Legislation

None at this time.

Fiscal Impact:

Unknown. This bill is keyed fiscal by the Legislative Counsel.

Support and Opposition

Arguments in Support: The American Red Cross writes in support, “The American Red Cross is pleased to support your AB 333, which would incentivize the training of K-12 school faculty and administrators in the use of [AEDs], by allowing individuals the ability to earn continuing education units. AEDs are used to treat the effects of sudden cardiac arrest, which is triggered by an electrical malfunction in the heart—with the heart unable to pump blood to the brain, lungs, and other vital organs, death can happen in minutes. Each year nearly 424,000 people experience sudden cardiac arrest outside of a



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



hospital. Only 10% of these individuals survive. Encouraging school employees to be prepared in time of emergency, including the use of an AED, can save lives.”
Support: The American Red Cross.

Arguments in Opposition:
None on file.

Comments

This bill may conflict with the California Emergency Medical Services Authority’s(EMSA) regulations regarding “lay rescuers” and AED training(California Code of Regulations Title 22, § 100031-100043). The author may wish to work with EMSA to ensure that the requirements for lay rescuers, as spelled out in the EMSA regulations, is consistent with the requirements for healing arts licensees that would be impacted by this bill.

Action Required

Staff recommend a watch position at this time.



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



Bill Analysis

Bill Number	AB 483	Version	Amended 4/9/15
Author	Patterson Healing	Sponsor	Author
Subject	Arts: Initial License Fees: Proration	Status	Assembly- 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. Provides for the regulation and licensure of various professions and vocations by boards within the Department of Consumer Affairs (DCA). (Business and Professions Code (BPC) § 100-11506).
2. Establishes fees for initial licenses, initial temporary and permanent licenses, and original licenses for various professions and vocations as follows:
 - a. Provides that license for physical therapists expire at 12 midnight on the last date of the birth month of the licensee during the second year of a two-year term, if not renewed, and prohibits the Physical Therapy Board of California (PTBC) from establishing a license fee that exceeds one hundred fifty dollars (\$150). (BPC § 2644, 2688).

This Bill

1. Requires that the fees imposed for an initial license, an initial temporary or permanent license, an original license, or a renewal be prorated on a monthly basis for the following licenses:
 - a. Dentist;
 - b. Dental hygienist;
 - c. Physician and surgeon;
 - d. Osteopathic physician and surgeon;
 - e. Hearing aid dispenser;
 - f. Occupational therapist or occupational therapy assistant;
 - g. Physical therapist;
 - h. Registered veterinary technician;



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



- i. Veterinarian;
- j. Acupuncturist;
- k. Architect

2. Makes other minor and technical changes.

Background/Purpose

Purpose: This bill is author sponsored. According to the author, this bill “will decrease financial burdens on newly licensed professionals in our state. Current law in California states that initial licenses for certain professions expire on the last day of a licensee’s birth month on the second year of their second term. For example, a constituent in my district was notified that her brand new license expired in three weeks, due to her birth date, and that she had to pay a full \$160 renewal fee. This occurred only a few months after she paid \$575 for her state exam and application and \$100 for her initial license. Various licensing agencies have tried to remedy this issue, but this piecemeal approach still means that licensees in some professions pay far more than is appropriate for the duration of their initial license. This bill would standardize initial licensing fees across state licensed professions that follow a birth month renewal policy. This bill makes a common-sense change to a policy that can adversely affect young professionals who are just starting out in their careers.”

Background: Many of the boards within the DCA have implemented a birth date renewal program to calculate license expiration dates. Under the program, a license expires on the licensee’s birth date or on the last day of the licensee’s birth month on the second year of a two-year renewal term. For many boards, licensees submit applications for licensure at the same time (e.g. because of the timing of the exams). This causes boards to have a large number of applications for initial licenses during peak times. As a result, many boards now renew licenses based on birth date, rather than the date the license was issued, which helps prevent the boards from processing large numbers of applications or renewals at one time. Depending on the board, the initial license period can vary from a few months up to 24 months, depending on the applicant’s birth month.

Related Legislation

Current Session:

AB 773 (Baker) will change the expiration date of a psychologist’s license from the licensee’s birthdate to two-years after the date of issuance. Status: This bill is pending in the Assembly Appropriations Committee.



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



Prior Sessions:

AB 1758 (Patterson), would have required that the fee for an initial temporary or permanent license or an original license be prorated on a monthly basis. It was amended in appropriations to authorize a board or committee to impose an additional fee to cover the reasonable costs of issuing an initial or original license that expires in less than 12 months. This bill was held in the Senate Appropriations Committee.

Fiscal Impact:

Unknown at this time. This bill is keyed fiscal by the Legislative Counsel.

Support and Opposition

Arguments in Support: The California Physical Therapy Association writes in support, "By charging licensees a pro-rated amount of the licensure fee based on how many month have elapsed between initial license issuance and their birth date renewal, AB 483 will even the playing field for licensees in professions that must comply with the birth month renewal policy."

The Fresno Chamber of Commerce writes in support, "The BPC links license renewals for numerous professions... to birth dates instead of license issuance dates. For many professionals, their license may expire only a few months after they first receive it, forcing them to spend hundreds of extra dollars."

Support:

California Physical Therapy Association
Fresno Chamber of Commerce
2 Individuals

Arguments in Opposition:

None on file.

Comments

None.

Action Required

Staff recommends an opposed unless amended position by the Board at this time.



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



Bill Analysis

Bill Number	AB 611	Version	Amended 4/15/15
Author	Dahle	Sponsor	California Statewide Law enforcement Association (CSLEA)
Subject	Controlled Substances: Prescriptions: Reporting	Status	Assembly – Business and Professions.

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

- Existing law requires certain health care practitioners and pharmacists to apply to the Department of Justice to obtain approval to access information contained in the Controlled Substance Utilization Review and Evaluation System (CURES) Prescription Drug Monitoring Program (PDMP) regarding the controlled substance history of a patient under his or her care.
- Existing law requires the Department of Justice, upon approval of an application, to provide the approved health care practitioner or pharmacist the history of controlled substances dispensed to an individual under his or her care.
- Existing law authorizes an application to be denied, or a subscriber to be suspended, for specified reasons, including, among others, a subscriber accessing information for any reason other than caring for his or her patients.

This Bill

- This bill would, would also authorize an individual designated to investigate a holder of a professional license to apply to the Department of Justice to obtain approval to access information contained in the CURES PDMP regarding the controlled substance history of an applicant or a licensee for the purpose of investigating the alleged substance abuse of a licensee.



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



2. The bill would, upon approval of an application, require the department to provide to the approved individual the history of controlled substances dispensed to the licensee.
3. The bill would clarify that only a subscriber who is a health care practitioner or a pharmacist may have an application denied or be suspended for accessing subscriber information for any reason other than caring for his or her patients.
4. The bill would also specify that an application may be denied, or a subscriber may be suspended, if a subscriber who has been designated to investigate the holder of a professional license accesses information for any reason other than investigating the holder of a professional license.

Background/Purpose

According to the sponsor CSLEA president Alan Barcelona, "AB 611 would authorize CSLEA members who are non-peace officer investigators at the Department of Consumer Affairs to request, from the Department of Justice, access to the CURES database if they can demonstrate probable cause that the information is relevant to their investigation of a license." The CURES database contains information from prescribers and pharmacists on prescriptions for controlled substances. Under current law, peace officer investigators may request access to the database. AB 611 would extend the request process to DCA non-peace officer investigators who perform some of the same types of investigations as peace officer investigators. "We're talking about investigations of alleged substance abuse by a licensee. It's a growing problem in California and both peace officer and non-peace officer investigators investigate these cases," said Barcelona. "Let's give these investigators the necessary tools to do their jobs."

Related Legislation

None at this time.

Fiscal Impact:

Unknown at this time.

Support and Opposition

Sponsored and Supported by California Statewide Law Enforcement Association (CSLEA).

No opposition at this time.



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



Comments

None.

Action Required

Staff recommend a Watch position at this time.



Physical Therapy Board of California

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



Bill Analysis

Bill Number	AB 750	Version	Amended 4/16/15
Author	Low	Sponsor	Author
Subject	Business and Professions: Retired Category: Licenses	Status	Assembly – 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. Existing law authorizes any of the Boards within DCA to establish by regulation a system for an inactive category of licensure for persons who are not actively engaged in the practice of their profession of vocation. (BPC §§ 462(a), 700-704)
2. Requires a Board's regulations to prohibit the holder of an inactive license from engaging in any activity for which a license is required. (BPC §§ 462(b)(1), 702)
3. Requires a Board's regulations to require an inactive license to be renewed during the same time period in which an active license is renewed. (BPC §§ 462(b)(2), 703)
4. Requires a non-healing arts Board's regulations to apply the renewal fee for an inactive license to be the same as an active license, unless the Board specifies a lower inactive license renewal fee. (BPC §§ 462(b)(3))
5. Requires a healing arts board's regulations to charge a renewal fee for both and active and inactive license. (BPC § 703)
6. Requires a non-healing arts board's regulations to allow the holder of an inactive license to restore the license to an active status by: (BPC § 462(4))
 - a. Paying the renewal fee; and
 - b. Completing continuing education equivalent to that required for renewal of an active license, if required for renewal of an active license, unless the board specifies a different requirement.



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



7. Requires a healing arts board's regulations to allow the holder of an inactive license to restore the license to an active status by: (BPC § 704)
 - a. Paying the renewal fee, unless the licensee is a physician and surgeon who certifies to the Medical Board of California that license restoration is for the sole purpose of providing specified volunteer services; and
 - b. Completing continuing education equivalent to that required for renewal of an active license, if required for renewal of an active license.

This Bill

1. This bill would authorize any of the Boards within DCA to establish by regulation a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation.
2. This bill would require a Board's regulations to prohibit the holder of retired license from engaging in any activity for which a license is required, unless the Board specifies the criteria for a retired licensee to practice his or her profession or vocation.
3. Requires a Board's regulations to state that licensees will not have to renew a retired license.
4. Requires a Board's regulations to allow the holder of an inactive license for restore the license to an active status by:
 - a. Paying a fee established by regulation;
 - b. Having not committed an act or crime constituting grounds for denial of licensure;
 - c. Complying with the fingerprint submission requirements established by regulation;
 - d. Completing continuing education equivalent to that required for renewal of an active license, if required for renewal of an active license; and
 - e. Completing any other requirements as specified by the Board.
5. Authorizes a Board to investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.
6. Requires a Board to investigate the actions of any licensee, as noted above if it receives a complaint.



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



Background/Purpose

This bill is sponsored by the author. According to the author, this bill “allows any of the boards, bureaus, commissions, or programs within the DCA to establish a system for a retired category of licensure for those not actively in practice of their profession. An occupational license can be sent to ‘inactive’ for various reasons, including violations and non-renewal. The same is done for those individuals who decided to retire - a troublesome label, as an ‘inactive’ status holds negative connotations and does not appropriately illustrate the decades of service from the license holder. To that end, this bill acts as a practical means to bring uniformity to licensing at the DCA.”

Background: Existing law permits the boards under the DCA to adopt regulations establishing a system for issuing inactive licenses. The law requires that the regulations cover fees, renewal, restoration to active status, and practice restrictions. While the law permitting regulations for inactive licenses for non-healing arts boards is slightly different from the law for the healing arts boards, there are only two differences. The first is that the non-healing arts boards are permitted to reduce the fees for renewal and change the continuing education requirements, while the healing arts boards are not. The second is that the restoration fee is waived for a physician and surgeon that certifies he or she is restoring the inactive license to an active license solely for volunteer purposes.

Retired Licenses: As stated by the author, some licensees disfavor the inactive license designation and would prefer a retired license designation. Because existing law only provides for a system of inactive licenses, many boards have sought legislation that would permit them to also create a retired license category. Prior bills have included conditions for volunteering, enforcement of retired licenses, and fees.

Thirteen other healing arts and non-healing arts boards have the authority to issue retired licensees:

- 1) Board of Accountancy
- 2) Architects Board
- 3) Board of Barbering and Cosmetology
- 4) Board of Behavioral Sciences
- 5) Dental Board
- 6) Dental Hygiene Committee of California
- 7) Landscape Architects Technical Committee
- 8) Medical Board
- 9) Board of Pharmacy
- 10) Board of Podiatric Medicine
- 11) Professional Fiduciaries Bureau
- 12) Board for Professional Engineers, Land Surveyors, and Geologists
- 13) Respiratory Care Board



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



This bill will provide the remaining boards with the authority to establish a system of retired licenses if they desire to.

Related Legislation

Current Legislation:

AB 1253 (Steinorth) of the current legislative session, will limit the issuance of a license designated as a retired volunteer service to an optometrist who holds a retired license for less than three years and will require the holder of a retired license issued for more than three years to meet certain requirements, including passing clinical and jurisprudence examinations, in order for the State Board of Optometry to issue a retired volunteer service license. Status: This bill is pending in the Assembly Appropriations Committee.

Previous/Prior Related Legislation:

AB 2024 (Bonilla), Chapter 336, Statutes of 2014, authorized the Professional Fiduciaries Bureau to establish, by regulation, a system for a retired category of licensure.

AB 404 (Eggman), Chapter 339, Statutes of 2013, clarified who qualifies for a retired license by specifying that a license must be either active or inactive, and reduces the timeline to restore a retired license from retired to active status from five to three years.

SB 1215 (Emmerson), Chapter 359, Statutes of 2012, established a retired license status and a retired license with a volunteer service designation for optometrists.

AB 431 (Ma), Chapter 395, Statutes of 2011, authorized the California Board of Accountancy to establish, by regulation, a system for a retired category of licensure.

SB 2191 (Emmerson), Chapter 548, Statutes of 2010, authorized the Board of Behavioral Sciences to issue a retired license as a marriage and family therapist, educational psychologist, clinical social worker or professional clinical counselor to an applicant who holds a current license or a license eligible for renewal, and establishes a \$40 fee for a retired license.

Fiscal Impact:

This bill is keyed fiscal by the Legislative Counsel.

Support and Opposition

None on file at this time.

Comments

None.



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



Action Required

Staff recommend a Watch position at this time.



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



Bill Analysis

Bill Number	AB 1060	Version	Amended 3/26/15
Author	Bonilla	Sponsor	Author
Subject	Professions and Vocations: Licensure	Status	Assembly- 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. Permits a board to deny a license as specified. (Business and Professions Code (BPC) Section 480).
2. Permits a board to suspend or revoke a license on the grounds that the licensee has been convicted of a crime if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. (BPC Section 490(a)).
3. Defines a "conviction," as referenced above, to mean a plea or verdict of guilty or a conviction following a plea of nolo contendere and states that any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of a conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order, as specified. (BPC Section 490(c)).
4. Permits a board to suspend a license as specified, if a licensee is not in compliance with a child support order. (BPC Section 490.5).
5. Requires a board, upon a suspension or revocation of a license on one or more of the grounds reference in two above to:
 - a. Send a copy of the provisions of Government Code Section 11522 regarding reinstatement or reduction of the penalty, as specified; and,
 - b. A copy of the criteria relating to rehabilitation, as specified. (BPC Section 491(a)(b)).



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



- 6. Requires a board, as specified to develop criteria to evaluate the rehabilitation of a person when:
 - a. Considering the denial of a license; or,
 - b. Considering suspension or revocation of a license. (BPC Section 482(a)(b)).
- 7. Requires a board to take into account all competent evidence of rehabilitation furnished by the applicant or licensee. (BPC Section 482).

This Bill

Requires a board to send specified information to an ex-licensuree by first class mail and email if a board has an email address on file for the ex-licensuree.

Background/Purpose

This bill is author sponsored. According to the author, "Existing law provides for the licensure and regulation of various professions and vocations within the DCA. The boards and bureaus are given independent authority to suspend or revoke a license on the ground that the licensee was convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. In the event of a license suspension or revocation, boards and bureaus are required to provide the ex-licensuree with certain information regarding rehabilitation, reinstatement, or reduction of the penalty; however, current law does not specify the means by which this notification is to be made. This bill simply clarifies that the required information must be sent by first-class mail and email, if an email address is on file with the board or bureau. This will help create consistency amongst the boards and bureaus in distributing the information and will increase the likelihood that an ex-licensuree receives this valuable information."

Background: This bill will clarify that a board who suspends, revokes, or denies a license is required to inform individuals about pertinent rehabilitation criteria and procedures. Currently, the boards and bureaus under the DCA are required to notify ex-licensurees, however, the method of delivery is not specified and may be inconsistent. In addition to the denial of an application for licensure, a board is permitted to suspend or revoke the license of an individual who has been convicted of a crime that is substantially related to the functions or duties of the business or profession for which the individual is licensed. Once a board has decided to suspend or revoke a license, a board is then required to send the ex-licensuree, the individual whose license was revoked or suspended, certain information about the procedures and criteria for license



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



rehabilitation. However, the law is not clear on the delivery method for this information to be sent to the ex-licensuree.

This bill simply requires a board to send the rehabilitation criteria and relevant information by first-class mail and by email if a board has an email address on file for the ex-licensuree. A board relies upon individuals to update their email and mailing addresses and does not always have updated contact information. By requiring a board to send this information via mail and electronic mail, it will help ensure that the ex-licensuree receives the required material about rehabilitation criteria.

License Revocation and License Suspension. Each board has its own enforcement provisions and is responsible for determining if a license should be suspended or revoked. According to the DCA, there is no standard method by which a board implements its own suspension and revocation program. Depending on the board, a license revocation typically means that a license will not be reinstated or reissued for a period of one to five years from the effective date of the decision. A license suspension typically means that the licensee is not entitled to operate during the period of suspension. According to the DCA, the number of suspensions and revocations vary based on each board's disciplinary scheme. In fiscal year (FY) 2013-14, the Board of Behavioral Sciences suspended one license and revoked 17, while in FY 2013-14, the Bureau of Real Estate suspended approximately 182 licensed and revoked approximately 649 licenses. Regardless of a suspension or revocation, or a board's disciplinary policies, if a license is suspended or revoked, a board is required to send information about the procedures and criteria for license rehabilitation. This bill specifies that the information is to be sent by first-class mail and email, if the board has an email address on file for the ex-licensuree.

Related Legislation

Prior Related Legislation:

AB 1025 (Bass) of 2007, would have provided that an applicant for a license with a board may not be denied licensure, or may not have their license suspended or revoked, solely on the basis that he or she has been convicted of a felony or misdemeanor if they have obtained a certificate of rehabilitation and if the felony or misdemeanor conviction has been dismissed, it shall be presumed that the applicant or licensee has been rehabilitated unless a board proves otherwise. NOTE: This bill was vetoed by Governor Schwarzenegger.

Fiscal Impact:

Unknown. This bill is keyed fiscal by the Legislative Counsel.

Support and Opposition

None on file at this time.



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



Comments

None.

Action Required

Staff recommend a Watch position at this time.



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



Bill Analysis

Bill Number	SB 800	Version	Amended 4/20/15
Author	Committee on Business and Professions and Economic Development	Sponsor	Author
Subject	Healing Arts	Status	Senate- Business, Professions and Economic Development

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. Provides for the licensing and regulation of various professions and businesses by the 26 boards, 9 bureaus, 3 committees, 2 programs, and 1 commission within the Department of Consumer Affairs (DCA) under various licensing acts within the Business and Professions Code (BPC).
2. Contains the following provisions relating to the Physical Therapy Board of California (PTBC):
 - a. Requires physical therapist assistants (PTA) to fulfill the educational requirements prescribed by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Associations or Physiotherapy Education Accreditation Canada. These requirements include a combination of didactic and clinical experiences, which consist of at least 18 weeks of full-time experience with a variety of patients. (BPC § 2650)



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



This Bill

Makes the following changes relating to the Physical Therapy Board of California (PTBC):

- a. Deletes the requirement for PTAs to complete the 18-week full-time clinical experience.

Background/Purpose

Purpose: This bill is one of two “committee bills” authored by the Business, Professions and Economic Development Committee (Committee) and is intended to consolidate a number of non-controversial provisions related to various regulatory programs and professions governed by the BPC. Consolidating the provisions in one bill is designed to relieve the various licensing boards, bureaus, professions and other regulatory agencies from the necessity and burden of having separate measures for a number of non-controversial revisions.

Many of the provisions of this bill are minor, technical and updating changes, while other provisions are substantive changes intended to improve the ability of various licensing programs and other entities to efficiently and effectively administer their respective laws. However, as a Committee bill, if controversy or opposition should arise regarding any provision that cannot be resolved, then that provision will be removed from the bill. This will eliminate the chance of placing any of the other provisions in jeopardy.

Related Legislation

None.

Fiscal Impact:

Unknown.

Support and Opposition

Support:

The Medical Board of California (MBC) supports this measure and writes, “The Board is supportive of the provisions in SB 800 that pertain to the Board...The Board feels that these clarifying changes will help to ensure consumer protection and allow the Board to operate in a more efficient manner.”

Opposition: None on file at this time.

Comments

None.

Action Required

Staff recommend a Watch position at this time.



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



Bill Analysis

Bill Number	AB 507	Version	Amended 3/26/15
Author	Olsen	Sponsor	Author
Subject	Department of Consumer Affairs: BreEZe System: Annual Report	Status	Assembly- 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

The Business and Professions Code (BPC):

1. Existing law establishes the Consumer Affairs Act which specifies the intent of the Legislature is to promote and protect the interests of consumers by the following means: (BPC § 300)
 - a. Educating and informing the consumer to insure rational consumer choice in the marketplace;
 - b. Protecting the consumer from the sale of goods and services through the use of deceptive methods, acts, or practices which are inimical to the general welfare of consumers;
 - c. Fostering competition; and,
 - d. Promoting effective representation of consumers' interests in all branches and levels of government.

2. Authorizes the DCA to enter into a contract with a vendor for BreEZe, the integrated, enterprise-wide enforcement case management and licensing system, no sooner than 30 days after notification in writing to the chairperson of the Appropriations Committees of each house of the Legislature and Chairperson of the Joint Legislative Budget Committee. (BPC § 210 (a)(1))

3. Specifies that the amount of the BreEZe system vendor construct funds shall be consistent with the project costs approved by the office of the State Chief Information Officer based on its review and approval of the most recent BreEZe Special Project Report to be submitted by the DCA prior to contract award at the



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



conclusion of procurement activities and indicates that this shall apply to all Budget Act items for the DCA that have an appropriation for the BreEZe system. (BPC § 210(a)(2-3))

- 4. Specifies that the DCA shall, by December 31, 2014, submit to the Legislature, the Senate Committee on Business, Professions and Economic Development, the Assembly Committee on Business, Professions and Consumer Protection and the budget committees of each house, a report analyzing the workload of licensing personnel employed by boards with the department participating in the BreEZe system. (BPC § 210 (a)(b)(1))
- 5. Indicates that the report submitted to the aforementioned entities shall be submitted in compliance with Government Code § 9795. (BPC § 210(a)(b)(2))

The Government Code (GC):

- 6. Defines “report” as any study or audit. (GC § 9795 (a)(2)(e))
- 7. Includes the specifications for any report required or requested by law to be submitted by a state or local agency to the Members of either house of the Legislature including guidelines for the summary page of the report, and for printing, sending electronically and recording the report in the journal of the appropriate house or houses of the Legislature by the secretary or clerk of that house. (GC § 9795 (a)(1))
- 8. Specifies the rights of the public to receive copies of the report from the state or local agency that authored the report, or from the California State Library as the final repository of public information. (GC § 9795 (a)(2))

This Bill

- 1. This bill requires the DCA, on or after January 31, 2016, to submit an annual report to the Legislature and the Department of Finance that includes the following:
 - a. The DCA’s plan for implementing the BreEZe system for regulatory entities in the third phase of the implementation project, including a timeline for implementation.
 - b. The total estimated costs of implementation of the system for the regulatory entities in the third phase of implementation along with a cost-benefit analysis; and



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



- c. A description of whether the BreEZe system will achieve any operational efficiencies after being implemented by Boards and regulatory entities.
2. Specifies that the report shall comply with Government Code § 9795.
 3. Lists the regulatory entities in the DCA’s third phase of the implementation project as follows:
 - a. Acupuncture Board
 - b. Board for Professional Engineers, Land Surveyors, and Geologists
 - c. Bureau of Automotive Repair
 - d. Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation
 - e. Bureau for Private Postsecondary Education
 - f. California Architects Board
 - g. California Board of Accountancy
 - h. California State Board of Pharmacy
 - i. Cemetery and Funeral Bureau
 - j. Contractors’ State License Board
 - k. Court Reporters Board of California
 - l. Landscape Architects technical Committee
 - m. Professional Fiduciaries Bureau
 - n. Speech Language Pathology and Audiology and Hearing Aid Dispensers Board
 - o. State Athletic Commission
 - p. State Board of Chiropractic Examiners
 - q. State Board of Guide Dogs for the Blind
 - r. Structural Pest Control Board
 - s. Telephone Medical Advice Services Bureau.

Background/Purpose

This bill is sponsored by the author. According to the author, “In order to ensure that Californians can rely on the services they depend on in a timely and efficient manner – even after implementing new technology – the Legislature and DOF need to keep a close eye on the negotiation, planning, development and implementation processes for the Boards that we entrust with licensing professionals.”

Background: In 2009, The DCA proposed the BreEZe information technology system and the California Department of Technology (CalTech) approved the proposal. BreEZe was envisioned to be an answer to the DCA’s out of date Legacy technology system and would provide needed applicant tracking licensing, renewal, enforcement monitoring and cashiering support for 37 of the 40 boards, bureaus, committees and



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



one commission housed within the DCA. The project began in 2011, and in 2013, BreEZe was launched for ten of the regulatory entities (release 1). In March of 2016, BreEZe is intended to be launched for another eight entities (release 2).

State Audit- In the midst of BreEZe implementation for release 1 and 2 regulatory entities, the DCA’s management of the project came under public scrutiny from a variety of sources including Assemblymember Olson and myriad nursing students and graduates. The students and graduates were having difficulty getting their applications for licensure and examination processed by the Board of Registered Nursing – one of the regulatory boards housed within the DCA. In response, on May 20, 2014, Assemblymember Olson wrote a letter to the former Chairman of the Joint Legislative Audit Committee, Assemblymember Adam Gray, requesting that the Joint Legislative Audit Committee, “approve an audit of policies and procedures on the planning, development and implementation of [BreEZe] that was used by the Board of Registered Nursing.” On February 12, 2015, the State Auditor released a report reflecting the following key findings from the audit:

- DCA did not adequately plan, staff and manage the project for developing BreEZe;
- CalTech did not ensure oversight for BreEZe until more than one year after the project’s commencement, and despite being aware of the significant problems with the project, continued to approve additional funding and allowed the project to press forward without intervening to ensure DCA took corrective action; and,
- The three contracts that DCA awarded and the Department of General Services approved for the BreEZe project did not adequately protect the State- the contracts’ terms and conditions transferred significant risk to the State, limited DCA’s ability to terminate the contracts, and reduced the State’s protections against intellectual property rights violations.”

The State Auditor also provided the following key recommendations:

- The Legislature should require DCA to submit a report annually that includes implementation plans for the project’s phase 3 regulatory entities, estimated costs through implementation, and nay operation efficiencies that will result from implementation by the regulatory entities;
- CalTech should ensure that DCA promptly responds to and addresses concerns raised by independent oversight entities, require DCA to analyze the costs and benefits of moving forward with the project as planned versus suspending or terminating the projects, and document reasons for approving any future deviations from standard contract language; and,
- DCA should undertake all required oversight activities with respect to BreEZe to prevent or identify and monitor any problems that arise, complete a cost-benefit analysis of the project and any required changes, and continue to work with the phase 1 regulatory entities to ensure problems are promptly resolved.”



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



(California State Auditor Fact Sheet, *California Department of Consumer Affairs' BreZE System*, February 12, 2015)

The DCA responded to the State Auditor's audit in a letter dated January 22, 2015. In it, the Director of the DCA, Awet Kidane, stated, "The Department appreciates your office's review of the BreZE System and agrees with its recommendations. The Audit findings reflect a number of areas of concern that the Department has been in the process of correcting, and in many cases, has already corrected." The CalTech also responded to the audit in a letter dated January 22, 2015, While the recommendations made in the report are for the most part appropriate and in line with actions and initiatives that CalTech has already undertaken, we have general concerns with the report...It is important to acknowledge that the BreZE system was successfully put into production in 2014. BreZE is currently in daily use and is successfully processing licenses, collecting fees and handling customer service request for the Boards and Bureaus that were included in Release 1.

This is evidenced by the following production metrics for the period of October 2013 through October 2014:

- Number of Registrations processed: \$444,000
- Initial Applications Processed: \$251,000
- Revenue Collected: \$137,000,000
- 50,000 complaints filed online.

Changes to the BreZE Contract. After negotiation with the BreZE vendor, Accenture, the DCA decided to end the "design and development" contract at the conclusion of release 2 while maintaining the "software licensing" and "maintenance and operations" contracts for release 1 and 2 regulatory entities. This amendment to the contract was estimated to increase project costs by \$17.5 million. DCA indicated it would perform a cost-benefit analysis and reassess the plan for providing IT support to the remaining regulatory entities that had not launched BreZE yet.

On January 27, 2015, the Department of Finance notified the Joint Legislative Budget Committee (JLBC) of a request from the DCA to enter into the aforementioned contract amendment. The response to the request, from the Chair of JLBC, Senator Mark Leno, was as follows, "I do not concur at this time...the request reflect a significant change in project costs and scope..." Instead, the Chair of the JLBC requested additional information from the DCA including:

1. DCA's long term plan for the project. "The legislature needs the long-term plan for moving forward...including the anticipated cost and timeline for providing IT solutions for the boards and bureaus in Release 3;



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



2. Allocation of project costs. "Information is also needed on how project costs will be allocated across boards and bureaus and how those costs will affect license fees for each entity; and,
3. Reassess request following oversight hearings. "By not concurring with the [request] at this time, it will provide budget and policy committees with an opportunity to more fully evaluate the options for moving forward with the project."

Legislative Committees' Response: On March 12, 2015, the DCA, CalTech and the State Auditor presented information about the BreEZe project and the audit before the Senate Budget and Fiscal Review Committee Subcommittee No. 4. These parties presented information again On March 23, 2015, before the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development's Joint Sunset Review Oversight Hearing.

On March 24, 2015, the JLBC Chair wrote a letter to the Department of Finance indicating, "The hearings have provided [an] opportunity for [a] fuller evaluation of BreEZe." As a result, the JLBC Chair noted in his letter, "DCA may proceed with the contract amendment." He also noted, "...it is my expectation that DCA will provide the Legislature with more comprehensive and timely information regarding the implementation of the BreEZe project on an ongoing basis. This should include: Any relevant project updates related to Releases 1 and 2; A plan for Release 3, including DCA's best current estimate of anticipated project schedule and costs, as well as the expected costs to each board and bureau and their licensees; and, copies of DCA's mandated status reports to the State Auditor regarding implementation of the Auditor's recommendations."

Related Legislation

None at this time.

Fiscal Impact:

Unknown. This bill is keyed fiscal by the Legislative Counsel.

Support and Opposition

None at this time.

Comments

None.

Action Required

Staff recommend a Watch position at this time.



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



Bill Analysis

Bill Number	AB 351	Version	Amended 2/17/15
Author	Jones-Sawyer	Sponsor	Author
Subject	Public Contracts: Small Business Participation	Status	Assembly – 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. Requires all state agencies to establish and achieve an annual goal of 25% SB participation.
2. Makes heads of agencies responsible for meeting the 25% annual goal and reporting to the Department of General Services (DGS) on their agency's progress.
3. Requires agencies that fail to meet the 25% annual goal to submit a corrective action plan to DGS within 45 days of the close of any fiscal year.
4. Requires DGS to regularly monitor agencies' progress in meeting the 25% annual goal and regularly share related information with the Office of the Small Business Advocate (OSBA), including corrective action plans.
5. Directs DGS and the OSBA to assist agencies in implementing their corrective action plans to the extent feasible.
6. Requires all state agencies to apply the existing streamlined SB state contracting option to contracts under \$100,000 and construction contracts under \$120,000.
7. Requires DGS to collaborate with the OSBA to provide outreach and actively promote SB certification.
8. Clarifies that the requirements of this bill apply to the University of California, the California State University, and the California Community Colleges when contracting with state funds.



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



This Bill

1. Designates the DGS as the lead purchasing and procurement agency for the State of California tasked with administering the SB certification programs.
2. Requires, through executive order, various state contracts to have annual statewide participation goals of at least 25%.
3. Establishes the streamlined SB state contracting option, which allows state agencies to award a contract valued between \$5,000 and \$250,000 to a SB if quotes are obtained from two or more certified firms.

Background/Purpose

According to the author, this bill would "codify a statewide procurement goal of 25% SB participation in statute, only to be removed by the Legislature, and in doing so, send a strong message to potential investors that the state supports small businesses."

According to the consolidated annual report on procurement for fiscal year (FY) 2013-14 by DGS, the state entered into nearly \$9 billion in contracts, with approximately 26% awarded to small businesses. The report also indicates statewide departments achieved nearly 26% percent SB participation in contracts. However, in the last 15 report periods, the state has only met the 25% SB participation goal five times.

To provide more consistency in achieving the SB procurement participation goal, this bill places the goal in statute; charges DGS with regularly monitoring agencies' progress in meeting the goal; and, requires mitigation plans from poor performing departments.

Related Legislation

Previous Legislation:

AB 1734 (Jones-Sawyer) of 2014 was substantially similar to this bill and would have additionally required an annual phased-in goal of 5% participation by disabled veteran business enterprises in state contracting. AB 1734 was held in the Assembly Appropriations Committee.

Fiscal Impact:

Unknown. This bill is keyed fiscal by the Legislative Counsel.



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



Support and Opposition

Support:

California Black Chamber of Commerce (sponsor)

California Asian Pacific Chamber of Commerce

Opposition:

None on file at this time.

Comments

None.

Action Required

None.



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



Bill Analysis

Bill Number	AB 410	Version	Amended 3/26/15
Author	Obernolte	Sponsor	Author
Subject	Documents	Status	Assembly- Accountability and Administrative Review
	Submitted to Legislative Committees		

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

Existing law requires a report required or requested by law to be submitted by a state or local agency to the Members of either house of the Legislature, generally, to be submitted in a specified manner, including, but not limited to, a requirement that a report submitted by a state agency be posted on the state agency’s Internet Web site.

This Bill

This bill would require a state agency to post on its Internet Web site any document it is required or requested by law to submit to a committee of the Legislature.

Background/Purpose

According to the Author’s office, AB 410 “requires a state agency to post on its website any document that is mandated by law to be submitted to a legislative committee. This is to improve government transparency.”

Related Legislation

None at this time.

Fiscal Impact:

None at this time.

Support and Opposition

N/A



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



Comments

None.

Action Required

None.



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



Briefing Paper

Date: April 29, 2015
Prepared for: PTBC Members
Prepared by: Brooke Arneson
Subject: Rulemaking Report

Purpose:

To update the Board on current and proposed rulemaking.

Background:

At the November 2014 meeting, the Board adopted the 2015 Rulemaking Calendar as required by Government Code (GC) § 11017.6. The rulemaking calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website:

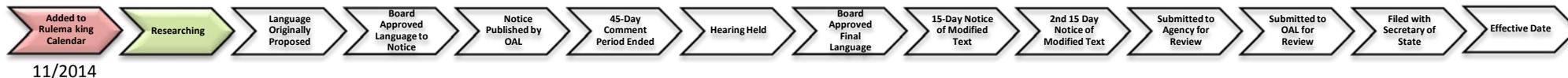
http://www.oal.ca.gov/Notice_Register.htm

From the 2015 Rulemaking Calendar, staff developed a rulemaking tracking form on which all rulemaking progress is noted and reported to the Board at its quarterly meetings.

Action Requested:

No action is requested on presentation of the rulemaking report; however, staff is requesting action for specific rulemaking items, which will be addressed during the presentation of those agenda items – agenda items 2 and 3.

License Renewal Exemptions: Retired Status



OAL No.:

Notes:

Requirements for Graduates from Non-Accredited Programs: Test of English as a Foreign Language (TOEFL)



OAL No.: Notice File No. Z-2015-0317-07

Notes: Business and Profession Code (BPC) § 2653 was amended by SB 198 (Lieu, 2013), which added a provision requiring applicants who graduated from non-accredited physical therapist programs to demonstrate English proficiency by achieving a score specified by the Board on the TOEFL. English proficiency (passing score on the TOEFL) is currently being verified by each credential evaluation service when an applicant’s education is evaluated. This regulation will 1) provide for specific exemptions to the TOEFL requirement, 2) set a Board established passing score, and 3) specify how long a TOEFL score is valid. The Board modified the proposed language at the February 2015 meeting and authorized the Executive Officer to adopt the regulatory changes, as modified. Staff filed the notice with the Office of Administrative Law (OAL) and no comments were received. The hearing is scheduled for this meeting. meeting.

Green: Current Status Red: Completed Grey: Not Applicable

2015

Fee Increase



OAL No.: Notice File No. Z-2015-0310-07

Notes: At the February 2015 meeting, staff presented that the Board is in urgent need of a fee increase to enable the Board to effectively sustain operations necessary for protecting consumers through its licensing and enforcement functions and avoid insolvency in fiscal year 2017/18. The Board, by motion, directed staff to conduct further assessment of the fund condition and research details of a fee increase, including costs associated with BreEZe implementation, then bring those findings back to the next meeting. The Board modified the proposed language at the February 2015 meeting and authorized the Executive Officer to adopt the regulatory changes, as modified. Staff filed the notice with the Office of Administrative Law (OAL) and no comments were received. The hearing is scheduled for this meeting.

Green: Current Status Red: Completed Grey: Not Applicable

Agenda Item 11 – Rulemaking Report

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.

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



Briefing Paper

Date: April 27, 2015

Prepared for: PTBC Members

Prepared by: Carl Nelson

Subject: Physical Therapy Board Budget Report

Purpose:

To provide an update on the PTBC's budget.

[Budget Report](#)
[Expenditure Measures Report](#)
[Revenue Measures Report](#)

Background:

This current fiscal year (CY 14/15), the PTBC has a budget authority of \$3,900,589. This authority may change should the PTBC receive approval on its one-time budget augmentation of \$155,000 for Attorney General cost.

Currently, the PTBC is experiencing a structural fund imbalance. Specifically, the application and licensing fees charged do not sustain the ongoing operations of the PTBC beyond FY 2017/18. To address this issue, the PTBC proposed to pursue a fee increase, which is currently scheduled for regulatory hearing during the May 2015 board meeting.

Analysis:

In reviewing this CY14/15, third quarter revenues and expenditures, the PTBC identified the following:

Expenditures

➤ **Personnel Services**

The Personnel Services expenditures are 74%, a total of \$1,232,395. The PTBC has exceeded its budget allotment in temp help and board member per diem line items. In response, over expenditures are common in the temp help line item, as the PTBC has been required to rely on temporary help (in the blanket) as a resource to alleviate excessive backlogs within its application and licensing programs. In addition, the board member per diem budget line item does not have sufficient funds allocated to meet the volume of workload; therefore, the PTBC historically over spends in this area. As a result, the PTBC staff will continue to address its staffing deficiencies through the budget change proposal process. In addition, the PTBC staff

will work with the DCA's, Budget Office to review options on increasing the board member per diem budget line item allotment for FY15/16, which will take place during budget galley in November 2015.

In comparison to FY13/14 (3rd quarter), the PTBC personnel services expenditures increased this year by \$251,797 or 26%.

➤ **Operating Expense & Equipment**

The total Operating Expenses & Equipment (OE&E) expenditures are \$1,755,242 or 75% of the OE&E budget. The PTBC has exceeded its budget allotment within its Office of Administrative Hearings and Court Reports line items. Historically, the PTBC has overspent in these areas due to its increased enforcement-related workload. Particularly, the court reporters line item will always reflect a negative balance, due to there is no budget allocation.

In addition, the Attorney General (AG) and Minor Equipment line items are currently 94% expended. At this rate, the PTBC projects to over expend in both line items. In response, the PTBC has overspent its AG budget allotment for the past four years, due to the increased enforcement-related requirements. Also, the PTBC normally doesn't over expend its minor equipment budget allotment, but due to unforeseeable circumstances, the PTBC was required to replace faulty equipment and purchase several other items to comply with several reasonable accommodation requests. As a result, the PTBC has requested a one-time budget augmentation of \$155,000 to its AG budget line item and has reserved its spending in other operating expenses to minimize these over expenditures.

In comparison to FY13/14 (3rd quarter), the PTBC OE&E expenditures increased this year by \$469,622 or 34%. Specifically, the AG expenditures alone had a significant increase from \$279,203 to \$401,940, a total of \$122,737 or 44%.

Based on data collection (as of 3/31/15), the PTBC projects a year-end expenditure of \$3,979,190. This is a 16% increase from FY13/14 year-end expenditures.

Revenues

The PTBC received a revenue collection of \$2,904,483 (as of 3/31/15), including reimbursements. At this rate, the PTBC projects revenues of \$3,464,800 (year-end).

In comparison to FY13/14, the PTBC is consistent with its revenue collections, with the exception of a slight increase \$2,385.00 in reimbursements. It should be noted, the PTBC may receive \$99,000 of revenues collected for scheduled reimbursements during each fiscal year. However, all other revenues collected are distributed directly to the fund.

Fee Increase

To be provided as a handout.

Action Requested:

No action by the PTBC staff is being requested.

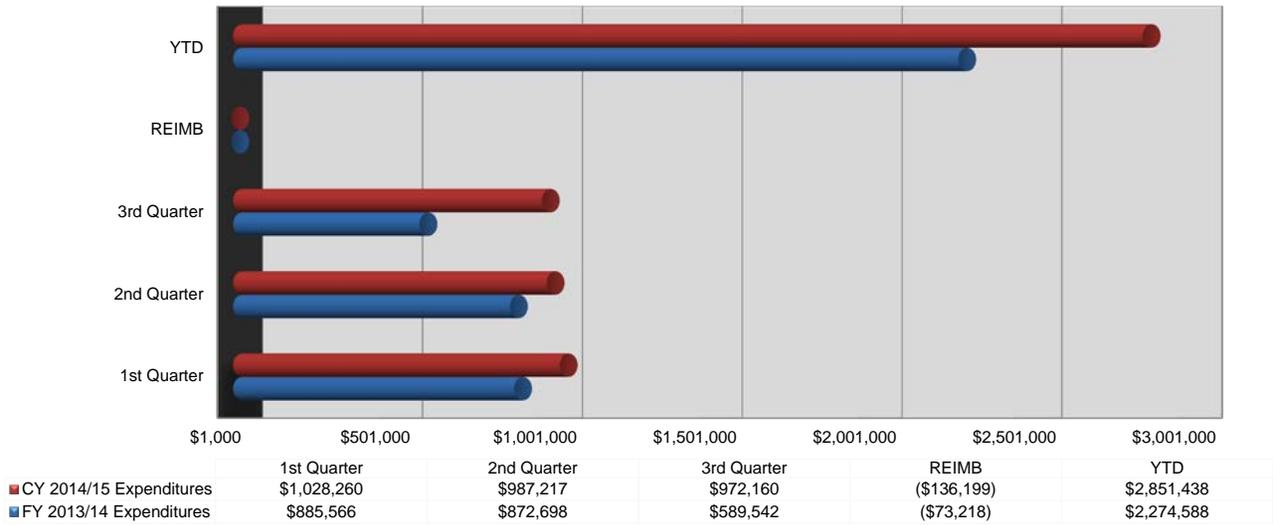
Physical Therapy Board of California
 CY 2014/15 Budget Report
 3rd Quarter (7/1/14 - 3/31/15)

Budget Line-Items	FY 2013-14		CY 2014-15			
	Expended (As of 3/31/14)	Expenditures (Year-end)	Authorized Budget	Expended (As of 3/31/15)	% Budget	Balance
Personnel Services						
Personnel Services Totals	980,598	1,340,968	1,673,117	1,232,395	74%	440,722
Civil Services Permanent	517,572	715,736	1,001,222	656,437	66%	344,785
Statutory Exempt	57,018	77,266	79,344	60,696	76%	18,648
Temp help	62,517	76,914	0	83,880	-	(83,880)
Board Members	19,100	29,200	11,786	20,700	176%	(8,914)
Overtime	1,004	1,401	0	0	-	0
Staff Benefits	323,387	440,451	580,765	410,682	71%	170,083
*TOTAL PERS SVS	980,598	1,340,968	1,673,117	1,232,395	74%	440,722
Operating Expenses & Equipment						
General Services Totals	226,542	302,678	422,438	263,877	62%	158,561
Fingerprints	21,184	31,864	99,090	19,677	20%	79,413
General Expense	16,907	20,768	42,631	15,345	36%	27,286
Minor Equipment	4,482	47,110	3,300	3,091	94%	209
Major Equipment	0	5,579	6,000	0	0%	6,000
Printing	7,228	8,661	10,161	7,371	73%	2,790
Communications	5,719	10,918	12,418	6,470	52%	5,948
Postage	28,470	29,973	31,973	20,492	64%	11,481
Travel in State	7,021	18,324	18,324	7,242	40%	11,082
Training	988	988	2,577	430	17%	2,147
Facilities Operations	113,037	105,782	118,121	111,945	95%	6,176
C&P Services Interdepartmental	0	20	1,828	0	0%	1,828
C&P Services External	21,506	22,691	76,015	71,814	94%	4,201
Departmental Services Totals	454,258	604,002	732,303	532,900	73%	199,403
OIS Pro Rata	205,333	270,921	347,088	255,591	74%	91,497
Indirect Dist. Cost	103,751	137,509	188,066	135,648	72%	52,418
Interagency Services	0	0	2,136	0	0%	2,136
DOI Pro Rata	3,303	4,382	5,852	4,233	72%	1,619
Public Affairs Pro Rata	4,643	5,065	5,729	4,128	72%	1,601
CCED Pro Rata	3,980	5,000	6,229	4,530	73%	1,699
Consolidated Data Center	694	860	1,722	689	40%	1,033
Data Processing	2,035	6,240	5,930	918	15%	5,012
Central Admin Services Pro Rata	130,519	174,025	169,551	127,163	75%	42,388
Exams Totals	3,935	7,050	9,120	7,260	0%	1,860
Admin and C/P Services External	0	0	0	0	-	0
Exam Contracts	3,935	7,050	9,120	7,260	80%	1,860
Exam Subject Matter Experts	0	0	0	0	-	0
Enforcement Totals	682,474	1,252,028	1,162,611	951,205	82%	211,406
Attorney General	279,203	660,744	427,668	401,940	94%	25,728
Office of Admin Hearings	41,530	87,970	59,584	62,005	104%	-2,421
Evidence/Witness	53,087	90,295	100,145	68,802	69%	31,343
Court Reporters	2,267	5,042	0	2,367	-	(2,367)
DOI Investigation	306,387	407,977	575,214	416,091	72%	159,123
*TOTALS OE & E	1,367,209	2,165,758	2,326,472	1,755,242	75%	571,230
*TOTALS, PERS SVS AND OE & E	2,347,807	3,506,726	3,999,589	2,987,637	75%	1,011,952
Scheduled Reimbursements	(28,316)	(43,298)	(97,000)	(26,867)		(123,867)
Unsheduled Reimbursements	(44,902)	(55,702)	(2,000)	(109,332)		26,867
**TOTALS	2,274,589	3,407,726	3,900,589	2,851,438	73%	914,952

* Reflects totals for budget category. ** Reflects totals authorized budget and expenditures (includes reimbursements).

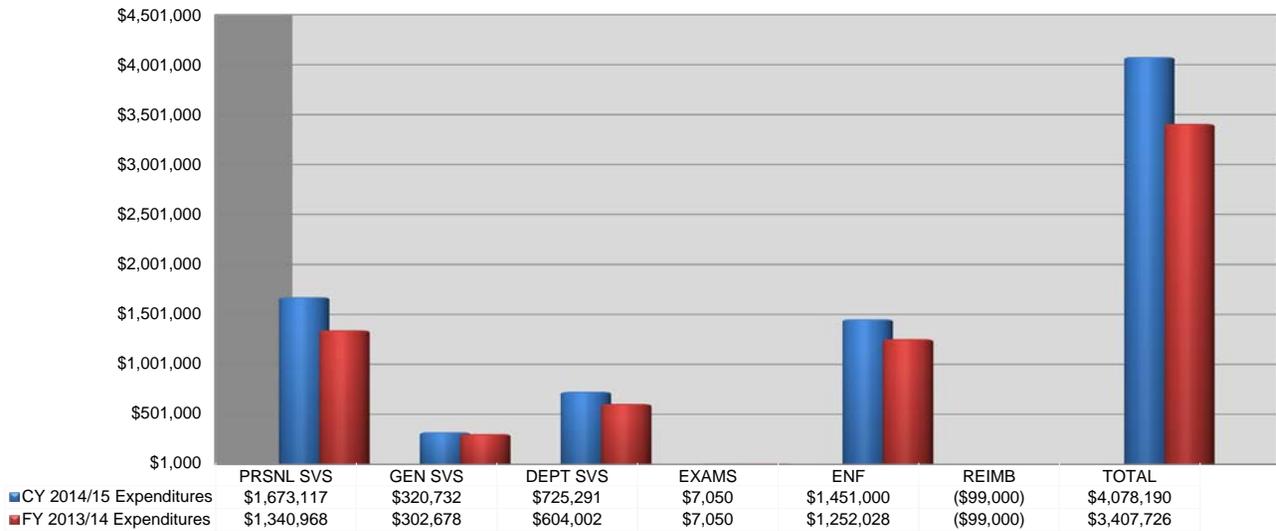
**Physical Therapy Board of California
CY 2014/15 Expenditure Measures Report
3rd Quarter (As of 3/31/15)**

Expenditure Measures (quarterly)



Notes: CY 2014/15 Budget Authority \$3,900,589
FY 2013/14 Budget Authority \$3,419,599

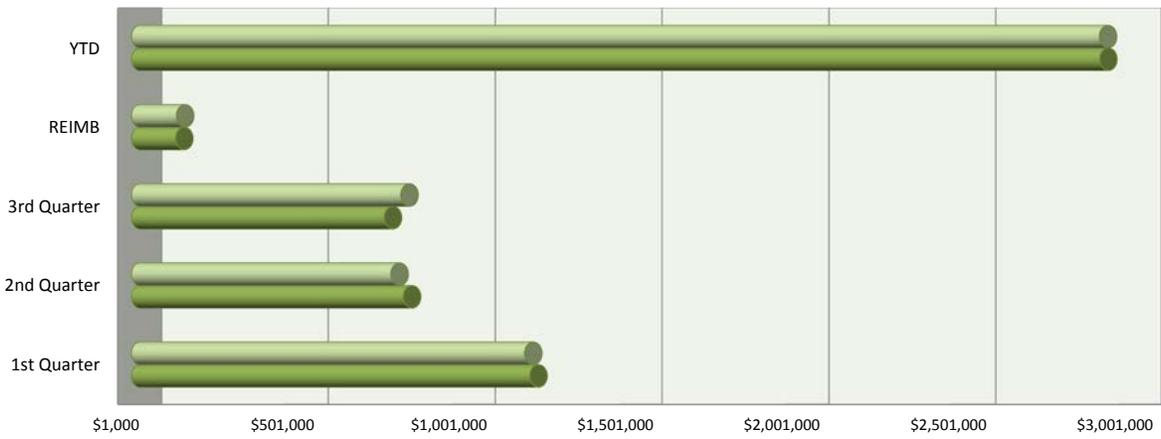
Expenditure Measures (year-end)



Notes: CY 2014/15 Projections (year-end)
FY 2013/14 Actual Expenditures (FM13)

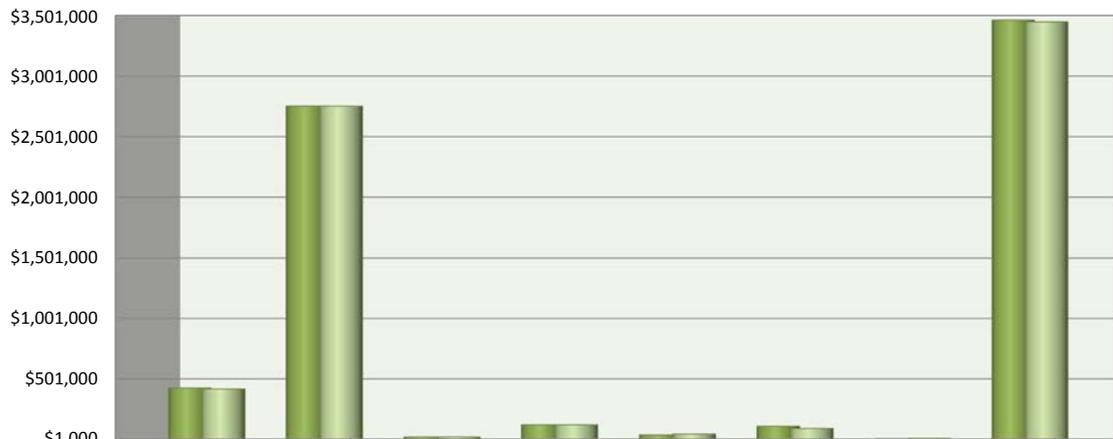
**Physical Therapy Board of California
CY 2014/15 Revenue Measures Report
3rd Quarter (As of 3/31/15)**

Revenue Measures (quarterly)



	1st Quarter	2nd Quarter	3rd Quarter	REIMB	YTD
CY 2014/15 Revenues	\$1,179,568	\$779,484	\$809,242	\$136,189	\$2,904,483
FY 2013/14 Revenues	\$1,195,229	\$816,818	\$759,598	\$133,804	\$2,905,449

Revenue Measures (year-end)



	APPS & LIC	LIC RNWL	LIC DELQ	OTHR REG	SCH REIMB	UNSCH REIMB	MISC	Year-End
CY 2014/15 Revenues (Projection)	\$426,000	\$2,754,000	\$18,000	\$120,000	\$35,800	\$107,000	\$4,000	\$3,464,800
FY 2013/14 Revenues (Actual)	\$417,221	\$2,753,575	\$18,525	\$120,025	\$43,298	\$90,506	\$6,685	\$3,449,835



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



Briefing Paper

Date: April 8, 2015
Prepared for: PTBC Members
Prepared by: Jacki Maciel
Subject: Outreach Report

Purpose:

To provide PTBC's Outreach statistics.

[Outreach Statistics Report](#)

Background:

The PTBC is currently utilizing social media to educate applicants, licensees and the public. In addition, educate those licensees who have been cited and fined to help them understand what not to do and how to avoid future penalties.

The PTBC monitors and tracks this data as part of its outreach statistics. As illustrated, the outreach statistics being presented include quarterly statistics regarding the PTBC's website and Facebook accounts for both CY 2014-15 and FY 2013-14.

Analysis:

In reviewing the statistics, the PTBC staff identified that:

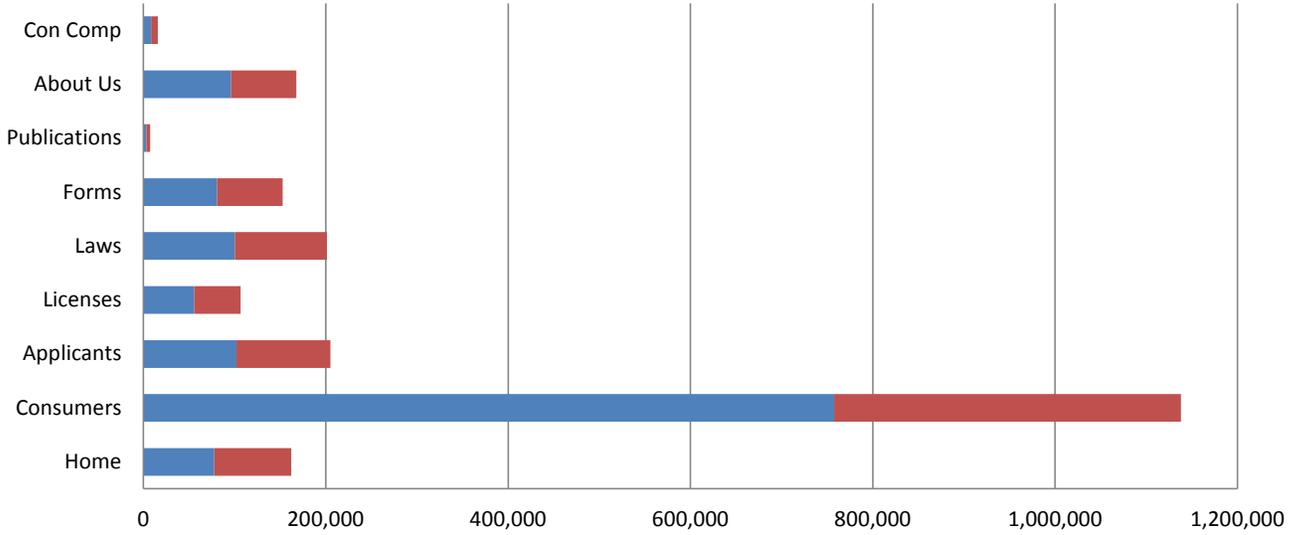
Website Hits - the Consumers tab reflected the most significant increase of 99.21%. The Forms tab increased 11.8%, confirming consumers as well as PT's and PTA's are utilizing the availability of our website; and, the Licensees tab increased by 33.9% reflecting the growth in our licensee population.

Facebook – the Facebook “total likes” increased to 1,800 which reflects a 6.76% increase from this year's 2nd quarter and a 22% increase from FY 31-14 (3rd quarter). In addition, the PTBC's Facebook account continues to rank number 1 within DCA's healing arts boards and bureaus.

Action Required:

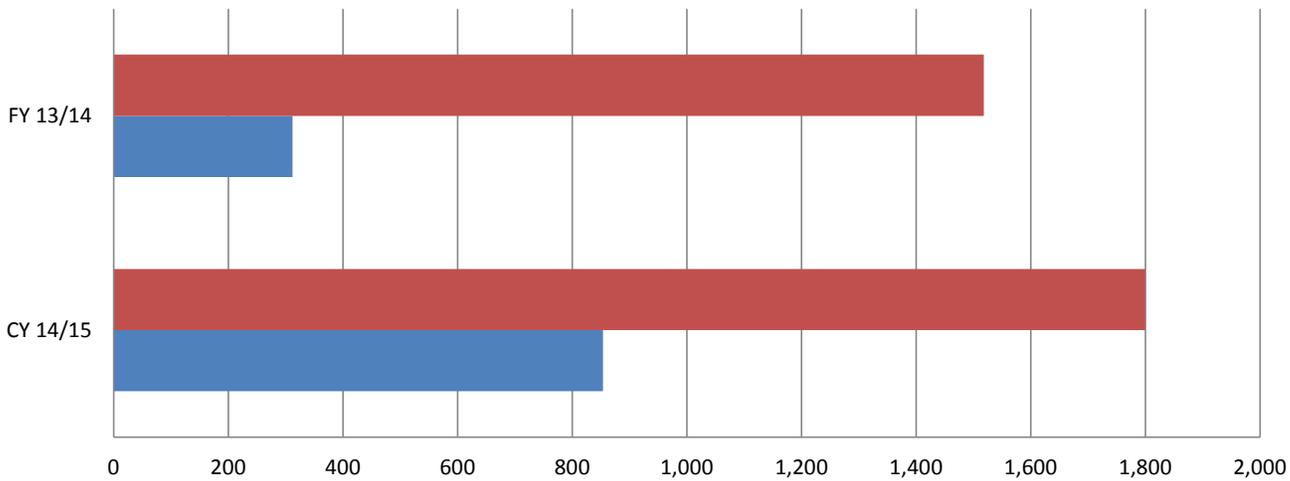
There is no action being requested at this time.

Web-hits (3rd Quarter)



	Home	Consumers	Applicants	Licenses	Laws	Forms	Publications	About Us	Con Comp
■ CY 14/15	77,752	757,619	102,228	55,630	100,255	80,625	3,176	96,123	8,403
■ FY 13/14	84,469	380,489	102,861	50,999	100,853	72,111	4,174	71,774	7,500

Facebook (3rd Quarter)



	CY 14/15	FY 13/14
■ Likes	1,800	1,518
■ Visits	854	312



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



Briefing Paper

Date: May 1, 2015
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: Application and Licensing Services Report

Purpose:

To provide an update on the PTBC's application, examination and licensing activity.

Applications and Licensing Statistics Report

Background:

Although this report is to provide CY 2014/15 third quarter application and licensing statistics, FY 2013/14 Q1-3 and CY Q1 & 2 statistics are being provided for your reference as staff assesses the CY Q3 data in relation to all of the above.

Analysis:

Applications

There has been an overall increase in the number of applications received, which can be attributed to an upsurge of physical therapist assistant applications. The increase in physical therapist assistant applications is presumably due to the continuous growth in the profession.

Licensing

The most substantial change in licensing activity has been the increase in the number of licenses in retired status. Due to retired status being just recently available, staff expects this number to gradually increase each quarter.

Each snapshot of active, inactive and delinquent licenses, for the most part, reflects a slight increase from the last measure – whether month to month or quarter to quarter. This data, supported by the increasing number of applications received, suggests an overall increase in the license population. Renewed license data, however, has its own interesting dynamic. For CY 2014/15, data alternates from increasing to decreasing and vice versa each month

as well as shows no consistency in relation to FY 2013/14 quarters. This data is an illustration of numerous variables outside the Board's control that impact renewals, such as the birth date renewal system.

Examinations

In California¹, there was a decrease in the National Physical Therapy Licensing Examination (NPTE) pass rate for both physical therapist and physical therapist assistant license applicants from accredited programs; however, the NPTE pass rate increased for physical therapist and physical therapist assistant license applicants from non-accredited schools (foreign-educated).

Overall, the nationwide NPTE pass rate is higher than California's, but not substantially in most cases. The most significant disparity between the nationwide pass rate and California's pass rate for the NPTE is physical therapist assistants from accredited schools with a difference of 11%. In FY 2013/14, the nationwide pass rate was also overall higher than California's, but the greatest deficits were within the foreign-educated applicants' pass rate. The nationwide jurisprudence examination pass rate is also higher than California's; although, CY 2014/15 reflects significantly smaller deficiencies than in FY 2013/14. In looking at the data across CY 2014/15 Q3, however, the California's jurisprudence examination pass rate was higher than the nationwide pass rate in two of the three months.

Notes

Staff looks forward to continuing to closely monitor application and licensing data to identify the program's progress and direction, which will allow staff to determine the program's needs and how to support them.

Action Requested:

No action is requested; however, any input on the information provided, progress and direction of the program as well as overall activity is welcome.

¹ California examination statistics reflect pass rates for those who *tested* in California, which includes applicants educated at any accredited program nationwide.

**Application and Licensing Statistics Report
CY 2014/15 - 3rd Quarter (1/1/15 - 3/31/15)**

Physical Therapy Board of California - APPLICATION STATISTICS

Applications Received

Type	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
PT	358	256	150	764	105	212	102	73	60	106	43	60	43	804
FPT	78	78	76	232	19	24	16	18	11	14	31	22	15	170
FPTA	12	14	21	47	11	27	1	3	5	4	5	9	4	69
PTA	83	84	80	247	47	27	20	76	67	19	10	57	18	341
E-PTA	1	1	0	2	2	3	0	0	0	1	0	0	0	6
EK	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EN	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	532	433	327	1,292	184	293	139	170	143	144	89	148	80	1,390

Licenses Issued

Type	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
PT	395	335	312	1,042	70	48	211	129	110	118	106	132	113	1,037
PTA	86	107	108	301	18	32	53	54	35	43	16	73	24	348
EK	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EN	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	481	442	420	1,343	88	80	264	183	145	161	122	205	137	1385

**License issuance data will not agree with applications received data because they do not occur in the same quarter.*

Licenses Renewed

Type	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
PT	2,887	2,760	2,550	8,197	831	955	871	1,027	711	844	1,129	796	983	8,147
PTA	697	666	642	2,005	22	255	205	257	166	205	239	196	257	1,802
EK	6	1	5	12	2	0	0	1	2	2	0	2	1	10
EN	3	2	3	8	0	1	1	0	0	0	2	2	1	7
Total	3,593	3,429	3,200	10,222	855	1,211	1,077	1,285	879	1,051	1,370	996	1,242	9,966

**Application and Licensing Statistics Report
CY 2014/15 - 3rd Quarter (1/1/15 - 3/31/15)**

Physical Therapy Board of California - LICENSING STATUS STATISTICS

Active Licenses

Type	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
PT	21,847	21,947	22,182	21,947	21,190	22,099	22,159	22,235	22,284	22,374	22,447	22,540	22,621	22,374
PTA	5,282	5,335	5,377	5,335	5,404	5,376	5,407	5,426	5,461	5,504	5,520	5,571	5,595	5,504
EK	29	30	30	30	30	30	30	30	30	30	31	31	32	30
EN	21	21	21	21	24	24	23	23	23	23	23	23	23	23
Total	27,179	27,333	27,610	27,333	26,648	27,529	27,619	27,714	27,798	27,931	28,021	28,165	28,271	27,931

Inactive Licenses

Type	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
PT	1,480	1,498	1,567	1,522	1,396	1,421	1,454	1,452	1,476	1,489	1,514	1,531	1,547	1,489
PTA	415	417	437	424	381	386	392	391	398	399	407	409	417	399
Total	1,895	1,915	2,004	1,946	1,777	1,807	1,846	1,843	1,874	1,888	1,921	1,940	1,964	1,888

**Licensees in inactive status are eligible for active/valid status at any time.*

Delinquent Licenses

Type	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
PT	3,453	3,398	3,567	3,435	3,530	3,642	3,667	3,715	3,731	3,704	3,768	3,764	3,745	3,704
PTA	986	979	1,038	994	1,030	1,058	1,060	1,062	1,064	1,047	1,061	1,070	1,054	1,047
EK	3	3	3	3	3	3	2	2	2	2	1	1	1	2
EN	5	5	5	5	5	5	5	6	6	6	6	6	6	6
Total	4,447	4,385	4,613	4,437	4,568	4,708	4,734	4,785	4,803	4,759	4,836	4,841	4,806	4,759

**Licensees in delinquent status are eligible to renew their license at any time.*

Renewal Licenses - Fee Exemption/Waiver

Type	Q2	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Military (E)	1	1		1	1	1	1	1	1	1	1	1	0	0
Disability (W)	0	0		0	0	0	0	0	0	0	0	0	0	0
Volunteer Service (W)	0	0		0	0	0	0	0	0	0	0	0	0	0
Retired Status (E)	1	1		1	30	35	42	43	47	53	60	60	64	64
Total	2	2		2	31	36	43	44	48	54	61	61	64	64

**Application and Licensing Statistics Report
CY 2014/15 - 3rd Quarter (1/1/15 - 3/31/15)**

Federation of State Boards Physical Therapy - Examination Statistics

National Physical Therapist / Physical Therapist Assistant (PTA) Examination - CALIFORNIA STATISTICS

Accredited PT Program Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	228	196	144	568	217			175			128			520
Fail	27	40	39	106	29			50			40			119
Total	255	236	183	674	246			225			168			639
Pass Rate	89%	83%	79%	84%	88%			78%			76%			81%

Foreign Educated PT Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	5	8	9	22	11			3			10			24
Fail	57	59	47	163	42			47			29			118
Total	62	67	56	185	53			50			39			142
Pass Rate	8%	12%	16%	12%	21%			6%			26%			17%

Accredited PTA Program Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	74	97	67	238	99			68			96			263
Fail	28	38	33	99	50			37			35			122
Total	102	135	100	337	149			105			131			385
Pass Rate	73%	72%	67%	71%	66%			65%			73%			68%

Foreign Educated PTA Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	5	6	8	19	19			6			11			36
Fail	11	9	12	32	10			15			12			37
Total	16	15	20	51	29			21			23			73
Pass Rate	31%	40%	40%	37%	66%			29%			48%			49%

**Application and Licensing Statistics Report
CY 2014/15 - 3rd Quarter (1/1/15 - 3/31/15)**

Federation of State Boards Physical Therapy - Examination Statistics

California Law Examination (CLE)

Accredited Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	499	358	347	1,204	225	158	117	133	165	120	154	132	75	1279
Fail	303	204	204	711	123	73	47	74	73	47	71	39	30	577
Total	802	562	551	1,915	348	231	164	207	238	167	225	171	105	1,856
Pass Rate	62%	64%	63%	63%	65%	68%	71%	64%	69%	72%	68%	77%	71%	69%

Foreign Educated Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	62	46	62	170	14	24	20	32	18	10	14	16	13	161
Fail	78	56	66	200	16	31	17	20	12	12	18	15	15	156
Total	140	102	128	370	30	55	37	52	30	22	32	31	28	317
Pass Rate	44%	45%	48%	46%	47%	44%	54%	62%	60%	45%	44%	52%	46%	51%

**Application and Licensing Statistics Report
CY 2014/15 - 3rd Quarter (1/1/15 - 3/31/15)**

Federation of State Boards Physical Therapy - Examination Statistics

National PT and PTA Examination - NATIONAL STATISTICS

Accredited PT Program Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
PT					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	4,528	1,366	1,123	7,017	4,575			1,375	1		1,024	79	1	7,055
Fail	701	505	381	1,587	562			504	1		296	25	2	1,390
Total	5,229	1,871	1,504	8,604	5,137			1,879	2		1,320	104	3	8,445
Pass Rate	87%	73%	75%	82%	89%			73%			78%	76%	33%	84%

Foreign Educated PT/PTA Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
PT					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	256	318	235	809	239			183			222	17	0	661
Fail	1,026	956	742	2,724	779			923			565	33	1	2,301
Total	1,282	1,274	977	3,533	1,018			1,106			787	50	1	2,962
Pass Rate	20%	25%	24%	23%	23%			17%			28%	34%	0%	22%

Accredited PTA Program Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
PTA					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	3,078	1,308	902	5,288	3,181			1,343	6		791			4,530
Fail	784	654	407	1,845	654			564	5		424			1,223
Total	3,862	1,962	1,309	7,133	3,835			1,907	11		1,215			5,753
Pass Rate	80%	67%	69%	74%	83%			70%	55%		65%			79%

Foreign Educated PT/PTA Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
PTA					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	56	82	88	226	84			65			55			204
Fail	90	73	93	256	77			110			64			251
Total	146	155	181	482	161			175			119			455
Pass Rate	38%	53%	49%	47%	52%			37%			46%			45%

**Application and Licensing Statistics Report
CY 2014/15 - 3rd Quarter (1/1/15 - 3/31/15)**

Federation of State Boards Physical Therapy - Examination Statistics

Jurisprudence (Law) Examination - NATIONAL STATISTICS

Accredited Program Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	1,912	1,166	1,119	4,197	832	561	445	542	441	345	457	379	298	4,300
Fail	505	360	352	1,217	218	150	108	180	123	82	130	333	409	1,733
Total	2,417	1,526	1,471	5,414	1,050	711	553	722	564	427	587	712	707	6,033
Pass Rate	79%	76%	76%	78%	79%	79%	80%	75%	78%	81%	78%	53%	42%	71%

Foreign Educated Pass/Fail

	Q1	Q2	Q3	FY 2013/14	Q1			Q2			Q3			CY 2014/15
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Pass	114	113	157	384	38	50	42	57	49	28	43	44	38	389
Fail	97	75	92	264	22	40	20	30	21	19	30	47	103	332
Total	211	188	249	648	60	90	62	87	70	47	73	91	141	721
Pass Rate	54%	60%	63%	59%	63%	56%	68%	66%	70%	60%	59%	48%	27%	54%



Physical Therapy Board of California

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



Agenda Item 14

Briefing Paper

Date: April 28, 2015

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

SUBJECT: Consumer Protection Services Program (CPS)

Purpose: CPS Reports

CPS Program Updates:

- Working with the Board’s Deputy Attorney General Liaison, Lori Focucci, in preparation of an Expert Consultant Training. The first training is tentatively scheduled for November 2015, in Southern California/Los Angeles area and the 2nd training for February 2016 in the Northern/Sacramento area. The purpose of this training is to refresh those current subject matter experts (SME) with their role as an SME and current investigative and disciplinary processes and to recruit new SME’s from remote and other desired areas throughout California.

Performance Measures Report measures volume of cases opened and process & cycle times throughout the complaint and disciplinary process. Quarter 3 Report reflects January – March 2015

- PM1/Volume or Number of cases opened (complaints and convictions)
March had a high volume of cases initiated.
- PM2/Intake. Cycle time from complaint receipt, to complaint assigned to analyst.
Targets were met for the assignment of cases.
- PM3/ Intake & Investigation: Complaint receipt to closure of investigation. No discipline taken.
58% of the cases were closed within the 90 day target and 34% of the cases were closed within 91 days to 1 year.
- PM4/Formal Discipline: The average for Q3 is based on final resolution of 13 cases
January – 3 cases (2 Cases 1- 2 Years; 1 Case over 3 Years)
February – 2 cases (2 Cases over 3 Years)
March – 8 cases (3 Cases 1-2 Years; 3 Cases 2-3 Years; 2 Cases over 3 Years)

Consumer Protection Services Report provides more detailed data of the complaint and disciplinary process from the time the complaint and/or case is opened to the final outcome of the matter.

Action Requested:

No Action Required

1 The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of
2 January, February, & March 2015. The Decisions become operative on the Effective Date, with the exception of
3 situations where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions,
4 which are 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

15 Physical Therapy Board of California Disciplinary Summary

16
17

18 19 January 2015

20 21 **DOUMAS, CALLIE (PT 34750)**

22 Accusation Filed 04/30/14. Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the
23 Code. Violation of CCR: 1399.20 Criminal Substantial Relation. Stipulated Surrender of License and Disciplinary
24 Order Effective 01/07/15, License Surrendered,
25

26 27 **LUNA, JUSTIN (APPLICANT)**

28 Application Denied 01/10/14. Violation of B & P Code: 480 Grounds for Denial of a License. Statement of Issues
29 Filed 04/09/14. Decision and Order Effective 01/16/15, Revocation Stayed, 5 Yrs. Prob. License issued upon
30 completion of Clinical Diagnostic Evaluation, and passing of NPTE & CLE.

31 32 **MATHER, STEPHEN (PT 17387)**

33 Accusation Filed 07/22/13. Violation of B & P Codes: 493 Conv of Crime w/Conclusive Evidence, 2239 Self-Use
34 of Drugs or Alcohol, 2660(d) Convict of Criminal Offense, 2660(e) Habitual Intemperance, 2661 Conviction of a
35 Crime. Proposed Decision Effective 01/28/15, License Revoked.

36 37 February 2015

38 39 **BOYD, KEVIN (AT 9002)**

40 Violation of B & P Codes: 2660(d) Conviction of a Crime Substantially Related to the Practice, 2661
41 Conviction of a Crime Substantially Related to the Practice, 2236 Conviction of Criminal Offense, 480
42 Grounds for Denial of Licensure. Initial Probationary License Effective 06/04/09. Stipulated Settlement and
43 Disciplinary Order Effective 03/04/10. Amended Petition to Revoke Probation Filed 01/18/12. Decision and Order
44 Effective 02/12/15, Addition 18 months of probation are added to the remaining period of probation as agreed on
45 stipulated decision effective 03/04/10.

46 47 **CHESTELSON, JENNIFER (PT 24550)**

48 Order Restricting Practice of Physical Effective 10/10/12; may not consult, examine, treat, touch and/or otherwise
49 practice physical therapy on any and all patients during pendency of criminal action until its final conclusion.
50 Accusation Filed 01/28/14. Violation of B & P Codes: 2660 Unprofessional Conduct, 2660(d) Convict of Criminal
51 Offense. Default Decision and Order Effective 02/20/15, License Revoked.
52

1 **March 2015**

2
3 **ANDO, ARTHUR (PT 11412)**

4 Violation of B & P Codes: 2660 Unprofessional Conduct, 2660.1 Sexual Activity w/Patient. Interim Suspension
5 and Order Imposing Restrictions on License Effective 12/01/14. Accusation Filed 12/09/14

6 Violation of B & P Codes: 726 Sexual Misconduct w/Patient, 2334(c) Repeated Negligent Acts, 2620.7 Patient
7 Record Documentation & Retention, 2660 Unprofessional Conduct, 2660(g) Gross Negligence, 2660(h) Violating
8 the Code, 2660(k) Commit Fraud, Dishonest Act. Decision and Order Effective 03/17/15, License Revoked.

9
10 **CHOI, EDDIE (PT 27249)**

11 Accusation Filed 07/23/14. Amended Accusation Filed 09/05/14. Violation of B & P Codes: 490 Conviction of a
12 Crime, 810 Violation/Insurance Requirement, 2660(d) Conviction of Criminal Offense, 2660(h) Violating the Code,
13 2660(k) Commit Fraud, Dishonest Act, 2661 Conviction of a Crime. Violation of CCR: 1399.20 Criminal
14 Substantial Relation, 1399.24 Unprofessional Conduct. Violation of Penal Code: 550 Fraudulent Insurance Claim.
15 Stipulated Revocation of License and Order Effective 03/11/15, License Revoked.

16
17 **EISENSTADT, VIVIAN (PT 25506)**

18 Accusation Filed 03/12/14. Violation of B & P Codes: 490 Conviction of a Crime, 2239 Self-Use of Drugs or
19 Alcohol, 2660(e) Conviction of Crime Offenses, 2660(w) Habitual Intemperance. Stipulated Settlement and
20 Disciplinary Order Effective 03/16/15, Revocation Stayed, 5 Yrs. Probation, or completion of the Drug and Alcohol
21 Recovery Program plus one year, whichever is longer.

22
23 **IBARRA, DAN RICHARD (PT 13418)**

24 Accusation Filed 01/24/14. Violation of B & P Codes: 141(a) Disciplinary Action Taken by Others, 2305 Discipline
25 by Another State. Stipulated Settlement and Disciplinary Order Effective 03/16/15, Public Reprimand.

26
27 **MEADOWS, HERMAN (PT 7186)**

28 Accusation Filed 11/13/13. Amended Accusation Filed 10/17/14. Violation of B & P Codes: 2234(c) Repeated
29 Negligent Acts, 2660(g) Goss Negligence, 2660(h) Gross Negligence, 2660(i) Aiding and Abetting, 2660(j)
30 Aiding/Abetting Unlice Activity. Violation of CCR: 1398.13 Patient Record Documentation, 1399.85 Patient
31 Records. Stipulated Settlement and Disciplinary Order Effective 03/16/15, Revocation Stayed, 3Yrs. Probation.

32
33 **PEEPLS, LARRY (AT 9160)**

34 Violation of B & P Code: 480 Grounds for Denial of Licensure. Initial Probationary License Effective 01/14/10, 5
35 Yrs. Prob. Accusation Filed 10/09/13. First Amended Accusation Filed 02/06/14. Violation of B & P Codes: 2234
36 Unprofessional Conduct, 2660(e) Habitual Intemperance, 2660(h) Violating the Code. Violation of CCR: 1399.20
37 Criminal Substantial Relation. Interim Suspension Order Issued 03/17/14. Second Amended Accusation Filed
38 05/29/14. Default Decision and Order Effective 03/16/15, License Revoked.

39
40 **QUINCY JR., RICHARD (PT 40892)**

41 Application Denied 03/10/11. Violation of B & P Code: 480(a) Denial of a License. Initial Probationary License
42 Issued 12/16/13, 3 Yrs. Prob., or completion of drug and alcohol recovery program plus 1 yr., whichever is longer.
43 Violation of B & P Codes: 480 Grounds for Denial of License, 2660 Unprofessional Conduct, 2660(d) Convict of
44 Criminal Offense, 2661 Conviction of a Crime. Statement of Issues Filed 04/25/14. Stipulated Surrender of License
45 and Disciplinary Order Effective 03/16/15, License Surrendered.

46
47 **ROSHAN, FARZANEH (PT 9580)**

48 Accusation Filed 10/10/14. Violation of B & P Codes: 2620.7 Patient Record Docum & Retention, 2630 Improper
49 Supervision of a Physical Therapy Aide, 2660(g) Gross Negligence. Violation of CCR: 1398.13 Patient Record
50 Documentation, 1399 Supervision of Physical Therapy Aides. Stipulated Surrender of License and Order Effective
51 03/16/15, License Surrendered.

1 **Administrative Citations and Fines Paid**

2
3
4
5 **January 2015**

6
7 **ALEJANDRE, LISA (AT 2507)**

8 Violation of B & P Code: 136 Notification of Address Changes, 2660 Unprofessional Conduct. Violation of CCR:
9 1398.6 Filing of Addresses. Citation and Fine Ordered 12/30/14. Citation Paid in Full 01/27/15.

10
11 **BROUILLETTE, MAURICE (PT 15569)**

12 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
13 Criminal Offense. Citation and Fine Ordered 01/13/15. Citation Paid in Full 01/27/15.

14
15 **CARPIO, ALEJANDRO (PT 35920)**

16 Violation of B & P Code: 2660(e) Conviction of Criminal Offense. Citation and Fine Ordered 12/31/14. Citation
17 Paid in Full 01/21/15.

18
19 **DOERING, LINDSAY (PT 32666)**

20 Violation of B & P Code: 2620.7 Documentation in Patient Records. Violation of CCR: 1398.13 Documentation of
21 Patient Records, 1399 Requirements for Use of Aides, 1399.85 Documentation in Patient Records. Citation and
22 Fine Ordered 10/02/14. Citation Paid in Full 02/09/15.

23
24 **GUNNARSSON, BJORN (PT 38735)**

25 Violation of CCR: 1398.13 Documentation in Patient Records. Citation and Fine Ordered 12/17/14. Citation Paid
26 in Full 01/23/15.

27
28 **LABRADA, ERIN (AT 10262)**

29 Violation of B & P Code: 2660(e) Conviction of Criminal Offense. Violation of CCR: 1399.24 Unprofessional
30 Conduct. Citation and Fine Ordered 12/31/14. Citation Paid in Full 01/28/15.

31
32 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification
33 Citations Paid in Full January 2015:

34
35 BRANDEWIE, DAWN (PT 21694)

36 DOWNEY, TRESA LYNN (AT 2724)

37
38 **February 2015**

39
40 **AZAMI, HOMA (PT 25643)**

41 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
42 Criminal Offense. Citation and Fine Ordered 01/13/15. Citation Paid in Full 02/11/15.

43
44 **BAJE, NELSON (PT 35549)**

45 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
46 Criminal Offense. Citation and Fine Ordered 01/29/15. Citation Paid in Full 02/13/15.

47
48
49 **DELAO, MARIAN (AT 10723)**

50 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(d) Conviction of Criminal Offense, 2660(h)
51 Violating the Code. Citation and Fine Ordered 01/21/15. Citation Paid in Full 02/18/15.

1 **HWU, MATTHEW (PT 42018)**

2 Violation of B & P Codes: 2239 Self-Use of Drugs or Alcohol, 2660(d) Conviction of Criminal Offense, 2660(h)
3 Violating the Code. Citation and Fine Ordered 12/18/14. Citation Paid in Full 02/03/15.

5 **KJELDTSEN, KRISTIAN (AT 5967)**

6 Violation of B & P Codes: 2660(e) Conviction of Criminal Offense. Citation and Fine Ordered 01/29/15. Citation
7 Paid in Full 02/27/15.

9 **RYSKALCZYK, RONALD (PT 32701)**

10 Violation of B & P Codes: 493 Conviction of Criminal Offense w/Conclusive Evidence. Citation and Fine Ordered
11 01/13/15. Citation Paid in Full 02/06/15.

13 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification
14 Citations Paid in Full February 2015:

16 GOYENA, DANNIEL (AT 8938)

18 **March 2015**

20 **MCGUINNESS, AARON (PT 37900)**

21 Violation of B & P Codes: 2239 Self Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
22 Crime Offenses. Citation and Fine Ordered 03/04/15. Citation Paid in Full 03/25/15.

24 **WITHROW, PATRICIA (PT 38375)**

25 Violation of B & P Codes: 2239 Self Use of Drugs or Alcohol, 2660(a) Violating the Code, 2660(e) Conviction of
26 Crime Offenses. Citation and Fine Ordered 02/23/15. Citation Paid in Full 03/06/15.

28 Violation of CCR: 1398.6 Filing of Address & Violation of B & P Code: 136 Change of Address Notification
29 Citations Paid in Full in March 2015:

31 ADRIANO, ANGELINE (AT 6921)

33 **Glossary of Terms**

- 35 B & P Code – Business and Professions Code
- 36 H & S Code – Health and Safety Code
- 37 R & R – Rules and Regulations
- 38 CCR – California Code of Regulations

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

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

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

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

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

- 1 Surrender of License: License surrenders are accepted in lieu of further proceedings.
- 2
- 3 Statement of Issues Decision: These are decisions rendered after the filing of a Statement of Issues.
- 4
- 5 Stipulated Decision: Negotiated settlements waiving court appeals.

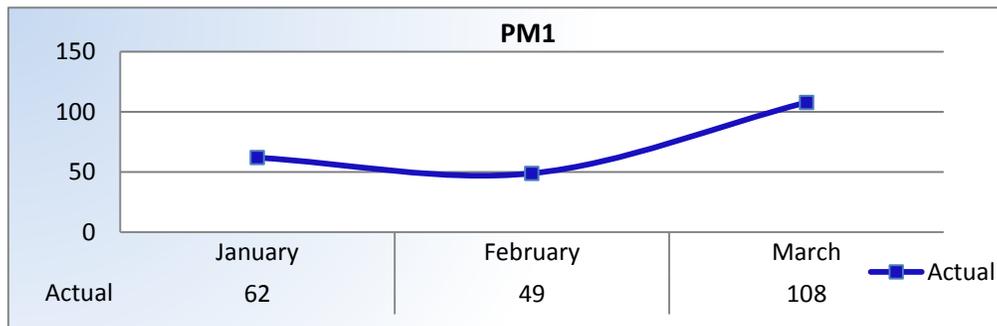
Performance Measures

Q3 Report (January - March 2015)

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.

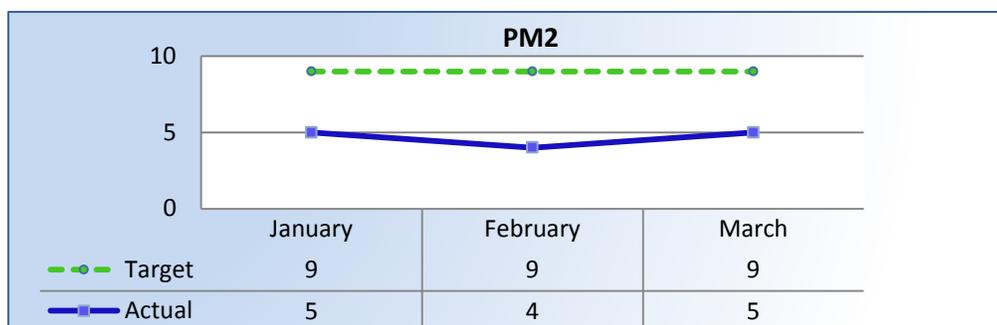


Total Received: 219 Monthly Average: 73

Complaints: 152 | Convictions: 67

PM2 | Intake

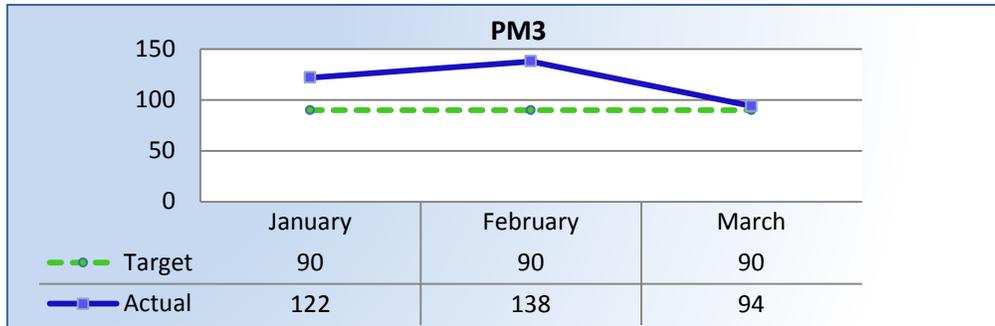
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 9 Days | Actual Average: 5 Days

PM3 | Intake & Investigation

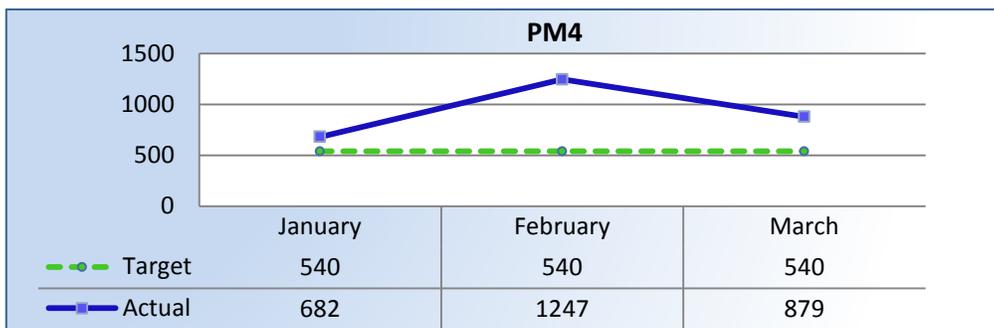
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 90 Days | Actual Average: 114 Days

PM4 | Formal Discipline

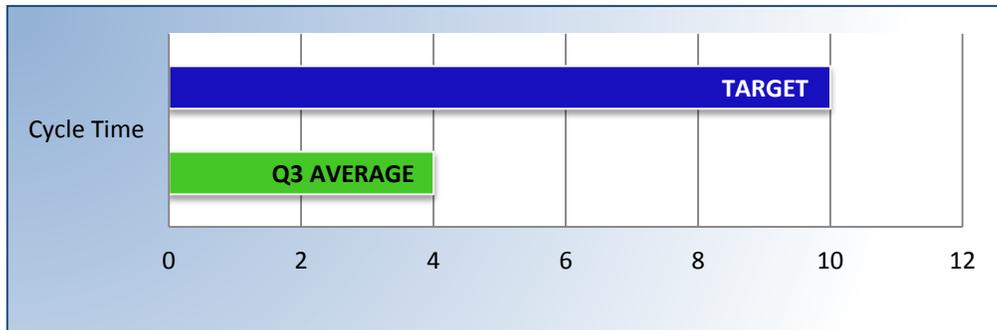
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 890 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: 4 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 have any new probation violations this quarter.

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

CONSUMER PROTECTION SERVICES REPORT FY 2014/2015

	Quarter 1			Quarter 2			Quarter 3			Quarter 4			
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	43	80	51	73	43	60	41	30	81				502
Closed without Assignment for Investigation	2	0	0	0	0	0	1	2	1				6
Assigned for Investigation - <i>Note: Number of assigned cases may include cases from previous month; therefore totals will not add up.</i>	39	73	59	58	55	60	27	41	61				473
Average Days to Close or Assigned for Investigation	7	4	3	4	4	4	3	4	6				4.3333
Pending	5	12	4	19	7	6	19	6	21				

Convictions/Arrest Reports	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	25	26	26	33	20	40	21	19	27				237
Closed / Assigned for Investigation	27	24	26	34	19	41	21	19	28				239
Average Days to Close	4	2	2	4	2	2	8	2	2				3.1111
Pending	0	2	2	1	2	1	1	1	0				

Total Intake	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Received	68	106	77	106	63	100	62	49	108				739
Closed w/o Inv. Assignment	2	0	0	2	0	0	2	2	1				9
Assigned for Investigation	66	97	85	90	74	101	47	60	89				709
Avg. Days to Close or Assign	6	3	3	4	3	3	5	4	5				4
Pending	5	14	6	20	9	7	20	7	21				109

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	66	97	85	90	74	101	47	60	89				709
Closed	129	97	101	77	72	80	100	47	96				799
Average Days to Close	344	162	108	60	131	91	137	104	86				135.89
Pending	292	282	263	265	260	269	208	213	205				

Field Investigation (Non-Sworn)	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Assignment for Non-Sworn Field Investigation	<i>N/A</i>												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	2	10	7	10	7	15	10	5	4				70
Closed	1	1	13	7	4	7	12	4	10				59
Average Days to Close	162	244	551	577	550	682	324	514	498				455.78
Pending	118	127	121	122	125	131	127	127	120				

All Investigations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
First Assignments	66	97	85	90	74	101	47	60	89				709
Closed	130	98	114	84	76	87	112	51	106				858
Average Days to Close	342	163	158	103	153	139	157	136	125				164
Pending	410	409	384	387	385	400	335	340	325				

All Investigations Aging/Closed	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Up to 90 Days	49	67	59	64	50	60	62	26	68				505
91 to 180 Days	10	13	36	9	20	9	22	16	13				148
181 Days to 1 Year	6	4	9	3	2	5	19	5	16				69
1 to 2 Years	64	11	5	5	2	10	5	4	6				112
2 to 3 Years	0	1	2	2	1	1	2	1	3				13
Over 3 Years	1	2	3	1	1	2	2	0	0				12

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	3	5	9	7	5	1	6	4	10				50
AG Cases Pending	71	72	70	71	72	67	69	70	71				
SOIs Filed	0	0	0	0	0	2	1	0	1				4
Accusations Filed	5	6	8	4	0	2	3	6	3				37

ACC Decisions/Stips	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Prop/Default Decisions	4	1	1	4	1	2	2	2	2				19
Stipulations	1	0	7	2	0	4	1	0	6				21

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	0	0	0				2
Average Days to Complete	396	0	0	0	0	0	0	0	0				44

ACC Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
ACC Final Orders (Dec/Stips)	5	1	8	6	1	6	3	2	8				40
Average Days to Complete	836	421	1184	1192	1399	724	682	1247	879				951.56

Total Disciplinary Orders	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Total Final Orders (Dec/Stips)	6	1	8	7	1	6	3	2	8				42
Total Average Days to Complete	762	421	1184	1080	1399	724	682	1247	879				930.89

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	1	0	0	0				1
1 to 2 Years	4	1	1	3	0	3	2	0	3				17
2 to 3 Years	0	0	2	1	0	1	0	0	3				7
Over 3 Years	2	0	5	3	1	1	1	2	2				17

Citations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY Total
Final Citations	6	8	22	4	12	15	9	4	11				91
Average Days to Complete*	178	104	215	494	188	166	235	283	241				233.78

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	0	1	0	0	0				1

Probation													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Entered Probationer	2	0	5	2	0	3	0	0	2				
Completed Probation	1	0	1	0	0	0	0	0	0				
Probation Terminated/Surrendered	0	0	0	0	2	0	0	0	1				
Entered Maximus	3	0	1	1	2	1	0	0	0				
Completed Maximus	0	1	0	0	1	0	0	1	0				
Non-Compliant w/Probation	0	0	0	0	0	1	0	0	0				
Total Probationers	73	71	75	80	78	82	80	80	82				
Total Maximus Participants	16	14	13	13	14	14	14	13	13				

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.	43	80	51	73	43	60	41	30	81				502
PM1 Volume - Conviction/Arrest Reports Received	25	26	26	33	20	40	21	19	27				237
PM2 Cycle Time - Intake Average number of complaint intake during the specified time period.	6	3	3	4	3	3	5	4	5				4
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.	345	115	118	64	68	135	121	136	100				133.56
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.	705	421	967	1080	1230	724	682	1247	879				881.67