

November
16-17, 2016
BOARD MEETING

The California Endowment
1000 N. Alameda Street, Cabrillo Room
Los Angeles, CA 90012



Physical Therapy Board of California

THE PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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

www.ptbc.ca.gov

PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

November 16-17, 2016 8:00 a.m.

The California Endowment
1000 N. Alameda Street, Cabrillo Room
Los Angeles, CA 90012

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.

BOARD MEMBERS

Katarina Eleby, M.A., *President*

Alicia K. Rabena-Amen, PT, MPT, *Vice President*

Debra Alviso, PT, DPT, *Member*

Jesus Dominguez, PT, Ph.D., *Member*

Daniel Drummer, PT, DPT, *Member*

TJ Watkins, *Member*

Tonia McMillian, *Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*

Liz Constancio, *Manager*

Elsa Ybarra, *Manager*

Sarah Conley, *Manager*

Brooke Arneson, *Associate Analyst*



Physical Therapy Board of California



STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

Agenda – Wednesday, November 16th

1. **Call to Order - 8:00 a.m.**
2. **Roll Call and Establishment of Quorum**
3. **Review and Approval of October 25, 2016 Meeting Minutes**
–*Brooke Arneson*
4. **President’s Report – Katarina Eleby**
(A) **2017 Proposed Meeting Calendar**
5. **Administrative Services Report – Liz Constancio**
(A) **Budget**
6. **Special Order of Business – 9:00 a.m.**
(A) Petition for Modification of Probation/Termination of Probation – Nolan John Arieta, PT
(B) Petition for Modification of Probation/Termination of Probation – Daniel Leeroy James, PT
(C) Petition for Modification of Probation/Termination of Probation – Courtney Jump, PT
After submission of the matters, the Board will convene in CLOSED SESSION to deliberate on the petitions pursuant to Government Code section 11126(c)(3).
7. **Closed Session**
(A) Pursuant to Government Code section 11126(c)(3)
Deliberation on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
(B) Pursuant to Government Code section 11126(a)(1),
Evaluation of Executive Officer
8. **Reconvene Open Session**
9. **Discussion and Possible Board Action Regarding Sunset Review Subcommittee’s Recommendation on Issues to be Identified on the Sunset Review Report Pursuant to BPC Section 2602 – Jason Kaiser**
(A) **BPC Section 2648.7, clarifying revisions to retired license status**
(B) **BPC Section 2620.1, adding exemptions to 45-day/12-visit treatment plan of care requirement**

10. Review, Discussion and Possible Board Action on Sunset Review Report Pursuant to Business and Professions Code (BPC) Section 2602 – Jason Kaiser

11. Public Comment on Items Not on the Agenda

Please note that 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 whether to place the matter on the agenda of a future meeting. [Government Code sections 11125, 11125.7(a).]

12. Recess

Agenda – Thursday, November 17th

13. Call to Order – 8:00 a.m.

14. Roll Call and Establishment of Quorum

15. Review, Discussion and Possible Board Action on Sunset Review Report Pursuant to BPC Section 2602 – Jason Kaiser

16. Board Member Elections

- (A) President
- (B) Vice-President
- (C) Federation of State Boards of Physical Therapy (FSBPT) Delegate
- (D) FSBPT Alternate Delegate
- (E) FSBPT Back-up Alternate Delegate

17. Public Comment on Items Not on the Agenda

Please note that 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 whether to place the matter on the agenda of a future meeting. [Government Code sections 11125, 11125.7(a).]

18. Agenda Items for Future Meeting – November 28, 2016

Department of Consumer Affairs
Lake Tahoe Conference Room
2005 Evergreen Street
Sacramento, CA 95815

19. Adjournment

Informational Notes:

Times stated are approximate and subject to change. Agenda order is tentative and subject to change at the discretion of the Board; agenda items may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at the meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment on particular issues may be limited.

**Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on any matter not included in this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a)).*

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

**The California Endowment Center
Los Angeles, CA**

November 16, 2016

	Present	Absent
Katarina Eleby, President		
Alicia Rabena Amen, PT, MPT, Vice-President		
Debra Alviso, PT, DPT.		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Tonia McMillian		
TJ Watkins		

Roll Call

**The California Endowment Center
Los Angeles, CA**

November 17, 2016

	Present	Absent
Katarina Eleby, President		
Alicia Rabena Amen, PT, MPT, Vice-President		
Debra Alviso, PT, DPT.		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Tonia McMillian		
TJ Watkins		



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

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1

Board Members

President

Katarina Eleby

Vice-President

Alicia Rabena-Amen, PT, MPT

Members

Debra Alviso, PT, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Tonia McMillian

TJ Watkins

Physical Therapy Board of California

DRAFT Meeting Minutes

October 25, 2016 9:00 a.m.

Department of Consumer Affairs

2005 Evergreen Street,

Lake Tahoe Conference Room

Sacramento, CA 95815

Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Sarah Conley, Manager

Brooke Arneson, Associate

Analyst

2 For the sake of clarity, agenda items discussed during the meeting follow their original order on
3 the agenda in these minutes; however, some agenda items may have been taken out of order
4 during the meeting.

5 6 **1. Call to Order**

7
8 The Physical Therapy Board of California (Board) meeting was called to order by Katarina
9 Eleby at 9:10 a.m. on October 25, 2016.

10 11 **2. Roll Call and Establishment of a Quorum**

12
13 All members were present and a quorum was established. Also present at the meeting
14 were Tara Welch, Legal Counsel; Jason Kaiser, Executive Officer; and Elsa Ybarra,
15 Sarah Conley, Liz Constancio and Brooke Arneson, Board staff.

16 17 **3. Review and Approval of September 22, 2016 Meeting Minutes**

18
19 Ms. Arneson presented the September 22, 2016 meeting minutes for the Board's
20 consideration.

21
22 **MOTION: To adopt the draft September 22, 2016 meeting minutes as written.**

23
24 **M/S: Alviso/Eleby**

25
26 **VOTE: 7-0 Motion carried**

27 28 **4. Discussion of Issues Regarding Test of English as a Foreign Language (TOEFL)** 29 **Regulatory Language and Possible Board Action Regarding Modified Text on** 30 **English Proficiency Requirements; Proposed Language to Amend Section 1398.25** 31 **and Add Section 1398.26.3 to Article 2, Division 13.2, Title 16 of the California Code**

32 **of Regulations**

33
34 After discussion, the Board made modifications to the proposed language and directed
35 staff to continue the rulemaking process.

36
37 **MOTION:** To approve the proposed modified text for a 15 day public comment
38 period and delegate to the Executive Officer the authority to adopt
39 the proposed regulatory changes as modified if there are no adverse
40 comments received during the public comment period and also
41 delegate to the Executive Officer the authority to make technical and
42 non-substantive changes that may be required in completing the
43 rulemaking file.

44
45 **M/S:** Rabena-Amen/Eleby

46
47 **VOTE:** 7-0 Motion carried

48
49 **5. Discussion and Possible Board Action Regarding Sunset Review Subcommittee’s**
50 **Recommendation on Issues to be Identified on the Sunset Review Report Pursuant**
51 **to Business and Professions Code (BPC) Section 2602**

52
53 **(A) BPC Section 2653, English proficiency exemption**

54
55 Mr. Kaiser presented the Sunset Review Subcommittee’s recommendation to
56 address this issue during the Board’s Sunset Review Process.

57
58 **MOTION:** To accept the Sunset Subcommittee’s recommendation for this issue
59 to be included in the Sunset Report with language as amended.

60
61 **M/S:** Eleby/Dominguez

62
63 **VOTE:** 7-0 Motion carried

64
65 **6. Review, Discussion and Possible Board Action on Sunset Review Report Pursuant**
66 **to BPC Section 2602**

67
68 Mr. Kaiser and Board staff presented the Sunset Review Report draft to the Board for
69 review. The Board identified edits and provided feedback throughout the report. The
70 Sunset Subcommittee recommended to address the retired license status issue during
71 the Board’s Sunset Review process and presented proposed hybrid statutory language.
72 After Board discussion, it was determined that more information and clarification was
73 needed before the Board could adopt language.

74
75 **MOTION:** To include the retired license status issue in the Sunset Report
76 for legislative action.

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M/S: Drummer/Eleby

VOTE: 6-0 Motion carried

4. Public Comment on Items Not on the Agenda

There were no public comments on items not on the Agenda.

5. Agenda Items for Next Meeting – November 16 &17, 2016

The Board indicated it did not have any specific items at this time for the November 16 & 17, 2016 meeting.

19. Adjournment

The Board concluded the meeting on Tuesday, October 25, 2016 and adjourned at approximately 5:47 p.m.

Physical Therapy Board of California Proposed 2017 Meeting Calendar

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

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

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

January			February				March				April			
1	New Year's Day		8-9	PTBC Meeting		31	César Chávez Day		5	PTA NPTE				
12	PTA NPTE		USC, Los Angeles, CA								16	Easter		
16	Martin Luther King Jr.		20	President's Day						26	PT NPTE			
26	PT NPTE													

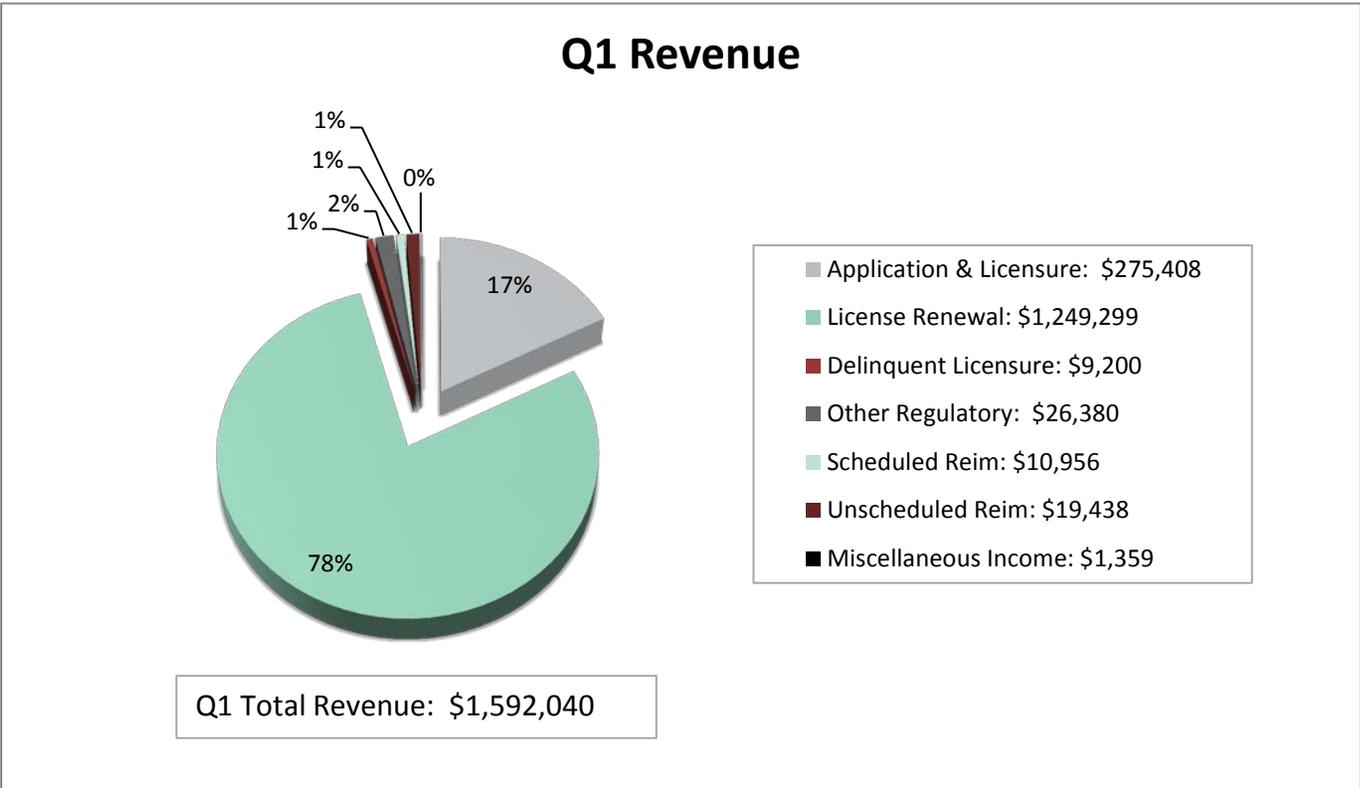
May			June				July				August			
14	Mother's Day		18	Father's Day		4	Independence Day		23-24	PTBC Meeting				
17-18	PTBC Meeting		21-24	APTA Conference		6	PTA NPTE		Sacramento, CA					
		Sacramento, CA		Boston, MA		18-19	PT NPTE							
29	Memorial Day													

September			October				November				December	
4	Labor Day		3	PTA NPTE		1-2	PTBC Meeting		25	Christmas		
			25	PT NPTE								
			31	Halloween		3-5	FSBPT Meeting					
							TBD***					
					11	Veteran's Day						
					23	Thanksgiving						

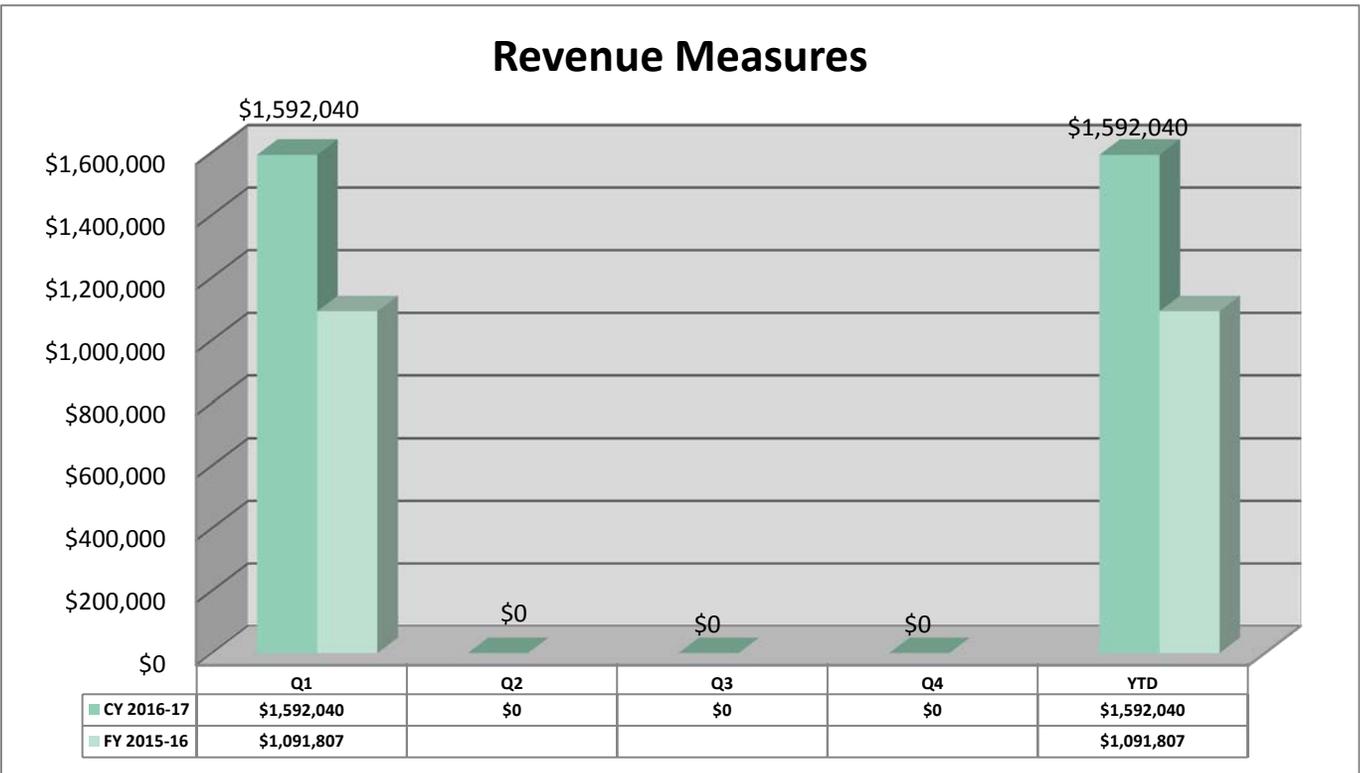
Physical Therapy Board of California
 Budget Report - Q1
 CY 2016-17 / FY 2015-16

Revenue Statistics Report

Budget Line Items	FY 2015-16		CY 2016-17				
	Q1	YTD	Q1	Q2	Q3	Q4	YTD
	Jul - Sep	As of 9/30/15	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	As of 9/30/16
OTHER REGULATORY							
Cite and Fine (Citations)	12,150.00	12,150.00	5,350.00				5,350.00
Endorsement (License Verification)	13,405.00	13,405.00	17,580.00				17,580.00
Duplicate License / Certificate	2,550.00	2,550.00	3,450.00				3,450.00
TOTALS	28,105	28,105	26,380.00				26,380
INITIAL APPLICATION & LICENSE							
FPTA Application & Initial License Fee	3,000.00	3,000.00	3,900.00				3,900.00
FPT Application Fee	12,600.00	12,600.00	18,900.00				18,900.00
ENMG Exam Fee	500.00	500.00	0.00				0.00
ENMG Application Fee	100.00	100.00	0.00				0.00
KEMG Exam Fee	0.00	0.00	500.00				500.00
KEMG Application Fee	0.00	0.00	0.00				0.00
PTA Application & Initial License Fee	11,750.00	11,750.00	35,925.00				35,925.00
PT Application Fee	56,875.00	56,875.00	135,576.00				135,576.00
PT Initial License Fee	48,400.00	48,400.00	74,650.00				74,650.00
<i>Refunded Reimbursements</i>	49.00	49.00	0.00				0.00
<i>Overt/Short Fees</i>	75.00	75.00	850.00				850.00
<i>Suspended Revenue</i>	650.00	650.00	5,656.00				5,656.00
<i>Prior Year Revenue Adjustment</i>	-3,285.00	-3,285.00	-549.00				(549.00)
TOTALS	130,714	130,714	275,408				275,408
LICENSE RENEWAL							
PTA Renewal Fee	169,400.00	169,400.00	254,000.00				254,000.00
PT Renewal Fee	704,400.00	704,400.00	994,350.00				994,350.00
ENMG	250.00	250.00	200.00				200.00
KEMG	250.00	250.00	250.00				250.00
<i>Automated Revenue Refund Claim</i>	1,825.00	1,825.00	499.00				499.00
<i>Overt/Short Fees</i>	0.00	0.00	0.00				0.00
TOTALS	876,125	876,125	1,249,299				1,249,299
DELINQUENT LICENSE RENEWAL							
PTA Delinquent Fee	1,500.00	1,500.00	1,100.00				1,100.00
PT Delinquent Fee	2,600.00	2,600.00	8,050.00				8,050.00
EN Delinquent Fee	0.00	0.00	25.00				25.00
EK Delinquent Fee	0.00	0.00	25.00				25.00
TOTALS	4,100	4,100	9,200				9,200
MISCELLANEOUS							
Public Sales (142500)	0.00	0.00	10.00				10.00
Surplus Money Investments (150300)	0.00	0.00	0.00				0.00
Attorney General Proceeds (160100)	0.00	0.00	0.00				0.00
Unclaimed/Cancelled Warrants (161000)	1,555.00	1,555.00	1,299.00				1,299.00
Miscellaneous Income (161400)	650.00	650.00	50.00				50.00
TOTALS	2,205	2,205	1,359				1,359
SCHEDULED REIMBURSEMENTS							
Fingerprint Reports	8,232.00	8,232.00	10,486.00				10,486.00
External/Private/Grant	1,880.00	1,880.00	470.00				470.00
TOTALS	10,112	10,112	10,956				10,956
UNSCHEDULED REIMBURSEMENTS							
Investigative Cost Recovery - Investigations	36,523.90	36,523.90	16,835.07				16,835
Investigative Cost Recovery - Probation Monitoring	3,922.50	3,922.50	2,602.50				2,603
TOTALS	40,446	40,446	19,438				19,438
TOTAL REVENUES	1,091,807	1,091,807	1,592,040				1,592,040



1. Chart shows Q1 revenues and % contributed to the quarterly total.
2. Chart reveals, license renewals was the highest contributing revenue, followed by application and initial licensure.



1. Chart shows Q1 and year-to-date revenues for both CY2016-17 and FY2015-16.
2. Chart reveals, revenues increased by 46% Q1 over FY 2015-16.

Physical Therapy Board of California

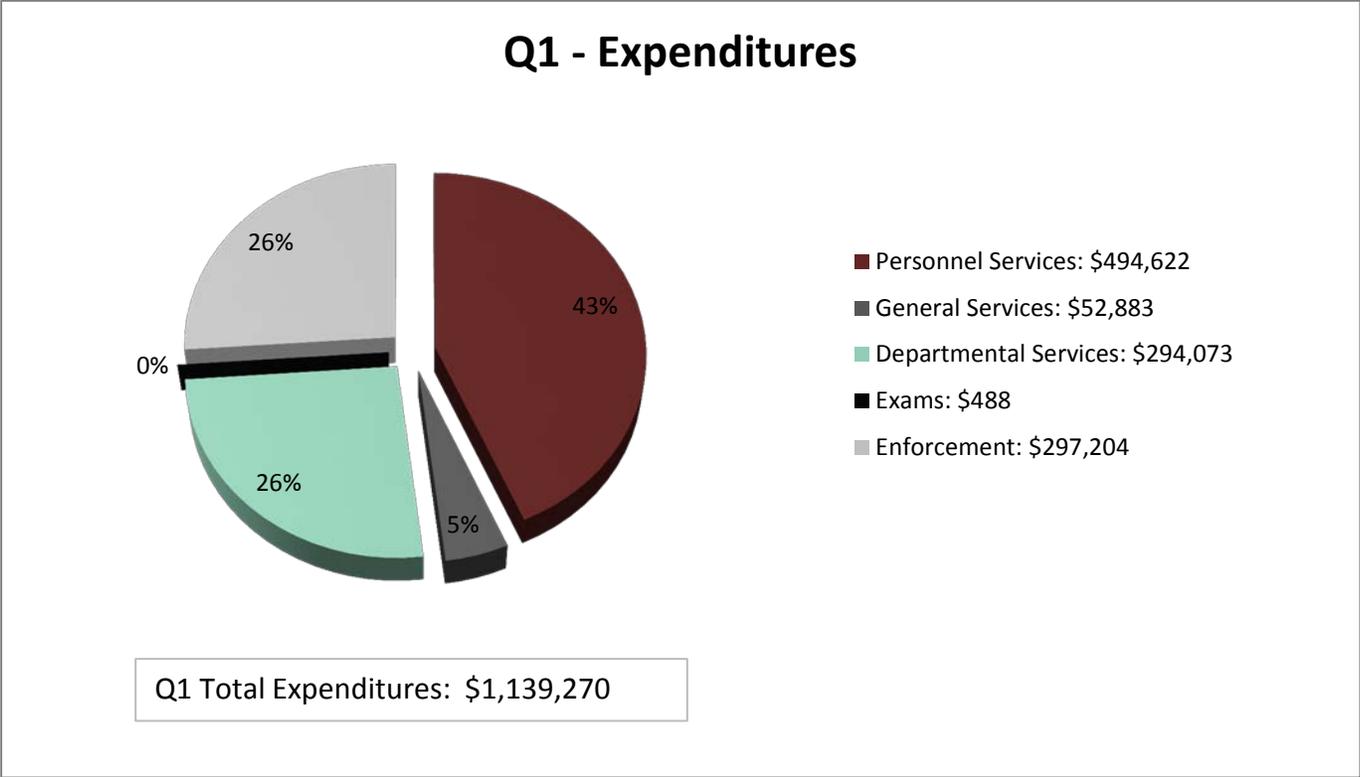
Budget Report Q1

CY 2016-17 / FY 2015-16

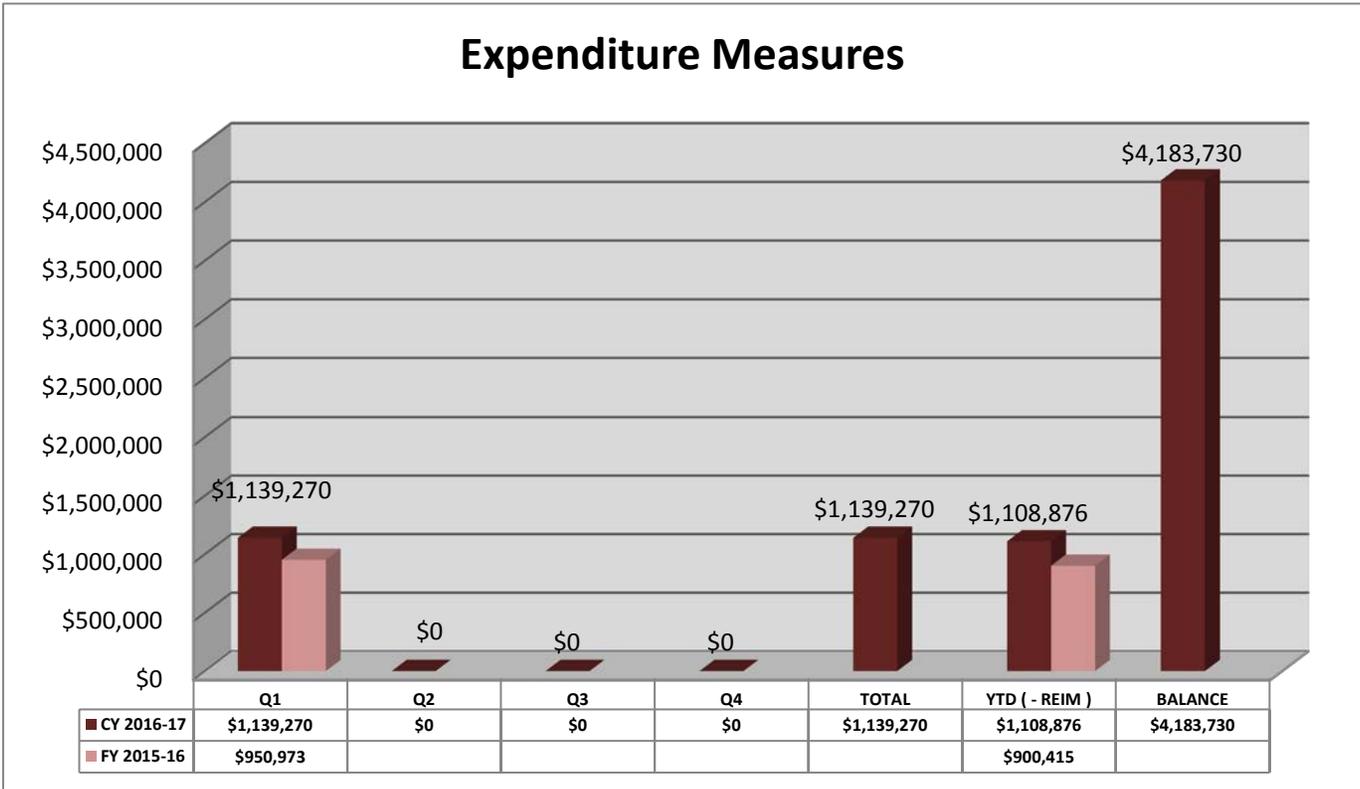
Expenditure Statistics Report

Budget Line Items	FY 2015-16		CY 2016-17							Balance Remaining
	Q1 Jul - Sep	YTD As of 9/30/15	Authorized Budget	Q1 Jul - Sep	Q2 Oct Dec	Q3 Jan - Mar	Q4 Apr Jun	YTD As of 9/30/16		
PERSONNEL SERVICES										
Civil Services Permanent	221575	221575	1,142,000	247606				247,606	894,394	
Temp help	21572	21572	0	16672				16,672	(16,672)	
Statutory Exempt	20739	20739	77,000	21258				21,258	55,742	
Board Members	4100	4100	12,000	7100				7,100	4,900	
Overtime	0	0	0	32560				32,560	(32,560)	
Staff Benefits	136187	136187	671,000	169426				169,426	501,574	
TOTAL PERS SVS	404,173	404,173	1,902,000	494,622				494,622	1,407,378	
OPERATING EXPENSES & EQUIPMENT										
General Services Totals	50,274	50,274	418,000	52,883				48,932	369,068	
Fingerprints	5,944	5,944	99,000	8,170				8,170	90,830	
General Expense	1,622	1,622	13,000	907				907	12,093	
Minor Equipment	0	0	1,000	0				0	1,000	
Major Equipment	0	0	32,000	0				0	32,000	
Printing	1,450	1,450	4,000	3,951					4,000	
Communications	1,197	1,197	9,000	991				991	8,009	
Postage	7,613	7,613	5,000	2,181				2,181	2,819	
Travel in State	296	296	7,000	561				561	6,439	
Training	0	0	10,000	250				250	9,750	
Facilities Operations	27,740	27,740	118,000	27,489				27,489	90,511	
C&P Services Interdepartmental	0	0	12,000	0				0	12,000	
C&P Services External	4,412	4,412	108,000	8,383				8,383	99,617	
Departmental Services Totals	235,580	235,580	1,169,000	294,073				295,637	873,363	
OIS Pro Rata	136,000	136,000	593,000	148,500				148,500	444,500	
Indirect Distributed Cost	58,000	58,000	256,000	62,751				62,751	193,249	
Interagency Services	0	0	37,000	0				0	37,000	
DOI Pro Rata	1,250	1,250	7,000	1,749				1,749	5,251	
Communications Pro Rata	1,500	1,500	28,000	8,751				8,751	19,249	
PPRD Pro Rata	2,000	2,000	10,000	501				501	9,499	
Consolidated Data Center	821	821	8,000	341				1,905	6,095	
Data Processing	0	0	16,000	0				0	16,000	
Central Admin Services Pro Rata	36,009	36,009	214,000	71,480				71,480	142,520	
Exams Totals	1,583	1,583	0	488				488	(488)	
Exam Administrative External	570	570	0	488				488	(488)	
Exam Contracts	0	0	0	0				0	0	
Exam Subject Matter Experts	1,013	1,013	0	0				0	0	
Enforcement Totals	259,363	259,363	1,834,000	297,204				297,204	1,536,796	
Attorney General	104,982	104,982	655,000	48,461				48,461	606,539	
Office of Admin Hearings	0	0	110,000	0				0	110,000	
Evidence/Witness	4,777	4,777	100,000	6,493				6,493	93,507	
Court Reporters	604	604	0	0				0	0	
DOI Investigation	149,000	149,000	969,000	242,250				242,250	726,750	
TOTAL OE & E	546,800	546,800	3,421,000	644,648				642,261	2,778,739	
TOTALS, PERS SVS/OE&E	950,973	950,973	5,323,000	1,139,270				1,139,270	4,183,730	
Scheduled Reimbursements	(10,112)	(10,112)	(99,000)	(10,956)				(10,956)	0	
Non-Scheduled Reimbursements	(40,446)	(40,446)	0	(19,438)				(19,438)	0	
TOTALS, PERS SVS/OE&E (-REIM)	900,415	900,415	5,224,000	1,108,876				1,108,876	4,115,124	

*The PTBC is authorized to allocate \$99k of its revenues collected from scheduled/unscheduled reimbursements towards CY expenditures. Revenues over 99k are transferred to fund.



1. Chart shows Q1 expenditures and % contributed to the quarterly total.
2. Chart reveals, personnel services was the highest contributing expense, followed by enforcement.



1. Chart shows total expenditures for Q1 for both CY2016-17 and FY2015-16.
2. Chart reveals, expenditures increased by 15% Q1 over FY 2015-16.

Physical Therapy Board of California
Budget Report - Q1
CY 2016-17 / FY 2015-16

Revenue Source - Definition Key

Other Regulatory Fees	
Citation/Fine FTB Collection	Fines collected by the Franchise Tax Board on behalf of PTBC for fines past due.
Admin Citation Fines-Various	Fines collected from administrative citations issued.
Endorsement Fee	Processing fee for endorsement (license verifications).
Duplicate License/Certification Fee	Processing fee for duplicate license or wall certificate.
Initial Application & License Fees	
FPTA Application & Initial License	Application & Initial License processing fees for foreign educated Physical Therapist Assistants.
FPT Application	Application processing fee for foreign educated Physical Therapists.
FPT Initial License	Initial License processing fee for foreign educated Physical Therapists.
PTA Application & Initial License	Application and Initial License processing fee for U.S educated Physical Therapist Assistants.
PT Application	Application processing fee for U..S educated Physical Therapists.
PT Initial License	Initial License processing fee for U.S. educated Physical Therapists.
Refunded Reimbursements	Used for cashiering errors, i.e., fingerprint fee cashiered with application fee.
Over/Short	Application or Initial License Fees paid over or short of established fee.
Suspended Revenue	Fee unable to identify/allocate -temporarily cashiered in suspense (reconciled year-end).
Prior Year Revenue Adjustment	Correction of prior year revenue reported.
License Renewal Fees	
Renewal - ENMG	Renewal Fees for Renewal ENMG Certification.
Renewal - KEMG	Renewal Fees for Renewal KEMG Certification.
Biennial Renewal - PTA	Renewal Fees for PTA license.
Biennial Renewal - PT	Renewal Fees for PT license.
Automated Revenue Refund Claim	Renewal Fees refunded to licensees (e.g., duplicate payments, etc.).
Over/Short Fee	Renewal Fees paid/collected over or short of established fee.
Miscellaneous Income	
Public Sales	Services to Public - e.g., DCA sales of PT/PTA mailing list.
Surplus Money Investments	Shared Revenues by State Controllers Office of earned interest from investment.
Unclaimed Checks / Warrants	Cancelled warrant (check) paid to applicant/licensee/agency-uncashed for 1 year.
Miscellaneous Income (General)	Revenues collected, i.e., Franchise Tax Board collections, dishonored check fees, etc.
Scheduled Reimbursements	
Fingerprint Cards	Scheduled Reimbursements - applicants/licensees fingerprint processing fees collected.
External/Private Grant	Scheduled Reimbursements - received for OIS Public Sales
Unscheduled Reimbursements	
Investigative Cost Recovery	Money received from individuals for reimbursement of the investigative cost incurred by PTBC.
Probation Monitoring Cost Recovery	Money received from Probationers for their probation monitoring.

Expenditure Source - Definition Key

Personnel Services

Civil Services Permanent	Salary / Wages of civil service - permanent employees (authorized positions).
Statutory Exempt	Salary / Wages of employees appointed/elected to state (Executive Officer).
Temp help	Salary / Wages of employees in blanket (permanent-intermittent/retired annuitant).
Board Commission	Per Diem reimbursement (Board Members).
Overtime	Ordered work time in excess of employee regular scheduled workweek.
Staff Benefits	Employer contributions for health, dental, vision, etc. (permanent, exempt and temp).

General Services

Fingerprints	Criminal and background checks by DOJ (new employees, applicants and licensees).
General Expense	Office supplies, freight (FedEx), subscriptions, admin overhead (DGS charge: purchase orders, contracts, etc.).
Minor Equipment	Replacement/additional equipment - less than \$5k per unit (copier, fax, etc.).
Major Equipment	Replacement/additional equipment - over \$5k per unit (copier, printer, etc.).
Printing	Publications, i.e., strategic plan, newsletter, etc. printed by State Printing and DCA.
Communication	Office and staff land lines, fax line, etc.
Postage	Standard U.S. mail, certified mail, wall certificate, pocket license, renewal notice, etc.
Travel In-State and Out-of-State	Travel reimbursements, i.e., per diem, lodging, transportation, business expense, and CalAters.
Training	Tuition/registration fees for training classes/conferences through External Vendors.
Facilities Ops	Rent - Building and Grounds (Non-State Owned), includes, self storage and utility charges.
C&P Services Internal	Consultant/Professional services provided by other state agencies or DCA interagency agreement.
C&P Services External	Consultant/Professional Services provided by external agency, i.e., online credit card payments.

Departmental Services

*OIS Pro Rata	DCA- Office of Information Services, i.e., PC Support, Telecom, etc.
*Indirect Distributed Cost Pro Rata	DCA - Office of Administrative Services, i.e., Personnel, Budgets, etc.
*DOI Pro Rata	DCA Special Operations Unit Services i.e., criminal background checks on employees.
*Communications Pro Rata	DCA Media Services, i.e., responses, creation/execution of marketing plans and outreach.
*PPRD Pro Rata	Conveys boards message to public through publications, i.e., outreach, correspondence, etc.
*Central Admin Services Pro Rata	Administrative Services conducted by CalHR, DOF, SCO, State Treasurer, Legislature, Agency, etc.

**DCA Pro-Rata is based on annual assessment of program size, workload, and overall operational need of services. Adjustments are made annually.*

Interagency Services	Services provided by another DCA-Board/Bureau to PTBC (inter-agency agreement).
Consolidated Data Center	TEALE data center i.e., costs for maintaining records on Consumer Affairs System (CAS).
Data Processing	Technology maintenance, copier/printer paper, software, hardware, electronic waste recycling and disposal.

Exams

C/P Administrative	External -Consultant/Professional Services (i.e. FSBPT service contract).
C/P Exam Subject Matter Experts	External -Consultant/Professional Services: Wages for services provided by Subject Matter Experts in the oral/written exam process, including travel.

Enforcement

Attorney General	Services provided for enforcement case process initiated to the Attorney General Office.
Office of Admin Hearings	Services provided for hearing officer, administrative law judges, and filing fees, etc.
Evidence/Witness	Services provided by witness, i.e., witness fee, hourly wages, travel expenses, undercover operative fees; and, cost of film, including medical services for use as evidence, etc.
Court Reporters	Services provided by Court Reporter, including transcriptions (i.e. hearing transcripts, etc.).
DOI Investigation	Services provided by Division of Investigations (DOI) for investigative services.



Physical Therapy Board of California

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

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Briefing Paper

Date: 10/11/16

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Sunset Committee's Recommendation on BPC Section 2648.7, clarifying revisions to retired license status

Purpose:

To update the Physical Therapy Board of California's (Board) Board Members

- Attachments:
1. [Proposed Revisions to BPC §2648.7](#)
 2. [Text of AB 2859\(2016\)](#)

Background:

SB 198 gave the Board authority to exempt renewal fees for those entering into Retired License Status; however, it did not authorize an administrative fee for processing.

Analysis:

At the September 2016 Board meeting, the Sunset Review Committee recommended three options to address the Board's authority for retired license status. The options that were presented were as follows:

Option 1: Repeal BPC §2648.7

Pro: Allows the Board to utilize the language in AB 2859 (2016), which establishes in the general provision of the Business & Professions Code authority to issue Retired License for all DCA Boards.

Con: Removes the only authority that the Board has currently. Requires promulgation of regulation.

Option 2: Amend Section 2648.7 incorporating language from AB 2859(2016).

Pro: Accomplish as part of the Board's Sunset Process with no regulation
Con: There is a risk that it may not be completed through Sunset.

Option 3: Continue using the authority in BPC §2648.7

Pro: Continue to promulgate regulation as previously planned.

Con: It is questionable if there is a conflict with the general provision and our existing authority, or if the two can be used simultaneously.

The Board voted to table discussion and directed the Sunset Review Committee to continue to work on issues for further Board discussion at the October 2016 Board meeting. PTBC staff worked with legal counsel on amending BPC §2648.7 to incorporate language from AB 2859 (2016) per the recommendation of the Sunset Review Committee.

Committee Recommendation:

The Sunset Committee recommends amending BPC §2648.7 per the proposed language presented and addressing this issue during the Board's Sunset process.

Proposed Revisions to Business and Professions Code section 2648.7

2648.7

- (a) The board may establish a retired license under which ~~A~~^a licensee is exempt from the payment of the renewal fee and from meeting the requirements set forth in ~~Section 2649~~^{Article 4} if he or she ~~has applied to the board for retired license status~~^{meets the following criteria:} -
- (1) Holds an active or inactive license that is not suspended, revoked, or restricted by the board or the subject of disciplinary action.
 - (2) Submits an application to the board for retired license status.
 - (3) Discloses under penalty of perjury whether the licensee has any misdemeanor or other criminal offense for which he or she has been found guilty or to which he or she has pleaded guilty or no contest.
 - (4) Pays the retired license application fee ^{pursuant to section 2688}.
- (b) A license shall be considered retired upon approval of the request.
- (c) The holder of a license in retired status shall comply with the Physical Therapy Practice Act.
- (d) The board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of physical therapy by that person, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.
- (e) A holder of a license in retired status pursuant to this section shall not engage in the practice of, or assist in the provision of, physical therapy ~~unless the licensee applies for renewal and meets all of the requirements as set forth in Section 2644.~~
- (f) In order to request restoration of a license from retired status to active status, the licensee shall:
- (1) Submit to the board a written request to restore the license to active status.
 - (2) Pay the license renewal fee pursuant to section 2688.
 - (3) Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial of licensure.
 - (4) Comply with fingerprint submission requirements ^{pursuant to section 144}.
 - (5) Satisfy continuing competency requirements pursuant to section 2649.
 - (6) Complete any other requirements as specified by the board by regulation.
 - (g) Failure to comply with this section constitutes unprofessional conduct.

Text of AB 2859 (2016)

Section 464 is added to the Business and Professions Code, to read:

464.

(a) Any of the boards within the department may 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.

(b) The regulation shall contain the following:

(1) A retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons.

(2) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.

(3) The holder of a retired license shall not be required to renew that license.

(4) The board shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.

(5) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:

(A) Pay a fee established by statute or regulation.

(B) Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial of licensure.

(C) Comply with the fingerprint submission requirements established by regulation.

(D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.

(E) Complete any other requirements as specified by the board by regulation.

(c) A board may upon its own determination, and shall upon receipt of a complaint from any person, 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.

(d) Subdivisions (a) and (b) shall not apply to a board that has other statutory authority to establish a retired license.

Physical Therapy Board of California

PROPOSED REGULATORY LANGUAGE

Adopt Section 1399.56 in Article 10, Division 13.2, Title 16 of the California Code of Regulations to read as follows:

(a) A physical therapist or physical therapist assistant who holds a current and valid license, and whose license is not suspended, revoked, restricted by the board or the subject of disciplinary action, may request retired status.

(b) A licensee shall be ineligible for retired license status if the license is suspended, placed on probation, revoked, or is otherwise the subject of disciplinary action.

(c) The request shall be on a form prescribed by the board titled "Request for Retired License Status (RS-112015)"

(d) The licensee shall disclose under penalty of perjury whether the licensee has any misdemeanor or other criminal offense for which he or she has been found guilty or to which he or she has pleaded guilty or no contest.

(e) A license shall be considered retired upon approval of the request.

(f) A licensee in retired status shall not engage in any activity for which a current and valid license is required.

(g) A licensee in retired status shall comply with the Physical Therapy Practice Act, and is exempt from Business and Professions Code Sections 2644, 2649 and 2688.

(h) In order to request restoration of a license from retired status to active status, the licensee shall:

(1) Complete a form prescribed by the board titled "Request to Restore License to Active Status (AS-112015)".

(2) Shall disclose under penalty of perjury submit true certified copies of all court records and documentation.

(3) Pay the renewal fee.

(4) Satisfy continuing competency requirements pursuant to section 2649 of the Code.

(i) A person who fails to restore his or her retired license within five years of the approval of retired status is no longer eligible to restore it and the license shall be cancelled. The person may apply for a new license if he or she satisfies the requirements set forth in Article 3, of the Physical Therapy Practice Act.

(j) A licensee may be granted retired status on no more than two occasions.

(k) Failure to comply with this section constitutes unprofessional conduct.



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Briefing Paper

Date: 11/10/16

Prepared for: PTBC Members

Prepared by: Jason Kaiser

Subject: Sunset Committee’s Recommendation on BPC Section 2620.1, amending the direct access language at the request of the California Physical Therapy Association (CPTA)

Purpose:

To update the Physical Therapy Board of California’s (Board) Board Members.

- Attachments:
1. [Proposed amendment to BPC §2620.1](#)
 2. [Board of Occupational Therapy BPC §2570.2\(k\)](#)

Background:

At the October 25, 2016 PTBC Board meeting, during public comment, the CPTA requested that the Board consider amending BPC §2620.1, to exempt licensee’s from the direct access requirements (45 day/12 visit) if they are practicing in an educational setting, and are providing services as part of an Individualized Education Plan (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA). The Board tasked the PTBC Sunset Sub-Committee to research this topic and make a recommendation.

Analysis:

The Sunset Sub-Committee determined that it would be premature to address the request as an issue in the Sunset Review Report. Given the Boards compacted timeline and limited resources, it is not feasible to prepare a well thought out recommendation. The Sunset Sub-Committee sees the need for further discussion and suggests researching the topic further and exploring alternative solutions.

Committee Recommendation:

The Sunset Committee does not recommend addressing CPTA’s request to amend BPC §2620.1 in the Sunset Review Report

BUSINESS AND PROFESSIONS CODE

SECTION 2620.1

(a) In addition to receiving those services authorized by Section 2620, a person may initiate physical therapy treatment directly from a licensed physical therapist if the treatment is within the scope of practice of physical therapists, as defined in Section 2620, and all of the following conditions are met:

(1) If, at any time, the physical therapist has reason to believe that the patient has signs or symptoms of a condition that requires treatment beyond the scope of practice of a physical therapist or the patient is not progressing toward documented treatment goals as demonstrated by objective, measurable, or functional improvement, the physical therapist shall refer the patient to a person holding a physician and surgeon's certificate issued by the Medical Board of California or by the Osteopathic Medical Board of California or to a person licensed to practice dentistry, podiatric medicine, or chiropractic.

(2) The physical therapist shall comply with Section 2633, and shall disclose to the patient any financial interest he or she has in treating the patient and, if working in a physical therapy corporation, shall comply with Article 6 (commencing with Section 650) of Chapter 1.

(3) With the patient's written authorization, the physical therapist shall notify the patient's physician and surgeon, if any, that the physical therapist is treating the patient.

(4) The physical therapist shall not continue treating the patient beyond 45 calendar days or 12 visits, whichever occurs first, without receiving, from a person holding a physician and surgeon's certificate from the Medical Board of California or the Osteopathic Medical Board of California or from a person holding a certificate to practice podiatric medicine from the California Board of Podiatric Medicine and acting within his or her scope of practice, a dated signature on the physical therapist's plan of care indicating approval of the physical therapist's plan of care. Approval of the physical therapist's plan of care shall include an in-person patient examination and evaluation of the patient's condition and, if indicated, testing by the physician and surgeon or podiatrist.

(b) The conditions in paragraph (4) of subdivision (a) do not apply to a physical therapist when he or she is only providing wellness physical therapy services to a patient as described in subdivision (a) of Section 2620 or when providing physical therapy services as part of an Individual Family Service Plan (IFSP) or an Individualized Education Plan (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA).

BUSINESS AND PROFESSIONS CODE

SECTION 2570.2 (k)

"Practice of occupational therapy" means the therapeutic use of purposeful and meaningful goal-directed activities (occupations) which engage the individual's body and mind in meaningful, organized, and self-directed actions that maximize independence, prevent or minimize disability, and maintain health. Occupational therapy services encompass occupational therapy assessment, treatment, education of, and consultation with, individuals who have been referred for occupational therapy services subsequent to diagnosis of disease or disorder (or who are receiving occupational therapy services as part of an Individualized Education Plan (IEP) pursuant to the federal

Occupational therapy assessment identifies performance abilities and limitations that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving, or restoring functional daily living skills, compensating for and preventing dysfunction, or minimizing disability. Occupational therapy techniques that are used for treatment involve teaching activities of daily living (excluding speech-language skills); designing or fabricating selective temporary orthotic devices, and applying or training in the use of assistive technology or orthotic and prosthetic devices (excluding gait training). Occupational therapy consultation provides expert advice to enhance function and quality of life. Consultation or treatment may involve modification of tasks or environments to allow an individual to achieve maximum independence. Services are provided individually, in groups, or through social groups.