

MARCH
22 & 23, 2018
BOARD MEETING

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



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

March 22, 2018 9:00 a.m.

March 23, 2018 9:00 a.m.

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

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

Alicia K. Rabena-Amen, PT, DPT, *President*

TJ Watkins, *Vice President*

Debra Alviso, PT, DPT, *Member*

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

Daniel Drummer, PT, DPT, *Member*

Katarina Eleby, M.A., *Member*

Tonia McMillian, *Member*

BOARD STAFF

Jason Kaiser, *Executive Officer*

Elsa Ybarra, *Manager*

Liz Constancio, *Manager*

Sarah Conley, *Manager*

Brooke Arneson, *Associate Analyst*



Physical Therapy Board of California



STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

Agenda – Thursday, March 22

1. **Call to Order - 9:00 a.m.**
2. **Roll Call and Establishment of Quorum**
3. **Special Order of Business – 9:05 a.m.**
 - (A) Petition for Reinstatement of License – Natalie Ann Kolbrak
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).
4. **Closed Session**
 - (A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
 - (B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer
5. **Reconvene Open Session**
6. **Review and Approval of November 15-16, 2017 Meeting Minutes – Brooke Arneson**
7. **President’s Report –Alicia Rabena-Amen**
 - (A) **2018 Adopted Meeting Calendar**
8. **Presentation of Certificate of Appreciation to Debra Alviso – Alicia Rabena-Amen**
9. **Executive Officer’s Report – Jason Kaiser**
 - (A) Administrative Services
 - (B) Applications
 - (C) Licensing/Continuing Competency
 - (D) Consumer Protection Services
 - (E) Animal Rehabilitation
 - (F) DCA Internal Audit
 - (G) Outreach
 - (H) Strategic Planning
10. **Legislation Report – Brooke Arneson**
 - (A) Discussion and Possible Board Action Regarding the 2017/18 Legislative Session Summary
 - i. Discussion and Possible Board Action Regarding AB 2078 (Daly) Sex Offenses: Professional Services
 - ii. Discussion and Possible Board Action Regarding AB 2138 (Chiu & Low) Licensing Boards: Denial of Application: Criminal Conviction

- iii. Discussion and Possible Board Action Regarding AB 2221 (Bloom) Occupational Therapy Practice Act
- iv. Discussion and Possible Board Action Regarding AB 2386 (Rubio) Teacher Credentialing: Services Credential with a Specialization in Occupational Therapy or Physical Therapy Services
- v. Discussion and Possible Board Action Regarding AB 2423 (Holden) Physical Therapists: Direct Access to Services: Plan of Care Approval
- vi. Discussion and Possible Board Action Regarding AB 3013 (Chu) Veterinary Medicine: Animal Physical Rehabilitation
- vii. Discussion and Possible Board Action Regarding AB 3110 (Mullin) Athletic Trainers

11. Rulemaking Report – Brooke Arneson

- (A) Discussion and Possible Board Action Regarding the 2018 Rulemaking Update
- (B) Discussion and Possible Board Action Regarding Examination Passing Standard/Setting Examination Score
- (C) Discussion of Issues and Possible Board Action Regarding Guidelines for Issuing Citations and Imposing Discipline, 6th Edition
- (D) Discussion of Issues and Possible Board Action Regarding Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool

12. 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).)

13. Recess

Agenda – Friday, March 23

14. Call to Order - 9:00 a.m.

15. Roll Call and Establishment of Quorum

16. Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer – Alicia Rabena-Amen

17. Discussion and Possible Board Action on the Federation of State Boards of Physical Therapy’s (FSBPT) Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States Presentation – Alicia Rabena-Amen

18. Closed Session

- (A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings

(B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer

19. Reconvene Open Session

20. Consumer and Professional Associations and Intergovernmental Relations Reports

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

21. Board Member Training – Jason Kaiser

- (A) Council on Licensure, Enforcement and Regulation (CLEAR) – Professional Discipline

22. Administrative Services Report

- (A) **Budget** – Carl Nelson
 - i. Fi\$cal – DCA, Budget Office
- (B) **Outreach** – Alycia Miller

23. Application Services Report - Sarah Conley

- (A) Application Process Presentation – Sarah Conley and Eura Trent

24. Licensing Services Report - Eura Trent

- (A) **Continuing Competency Report** – Alyasha Crutcher and Veronica Gutierrez

25. Consumer Protection Services Report – Cristy Livramento

26. Probation Monitoring Report – Monny Martin

27. 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).)

28. Agenda Items for Future Meeting – June 20 & 21, 2018

TBD – Southern California

29. Adjournment

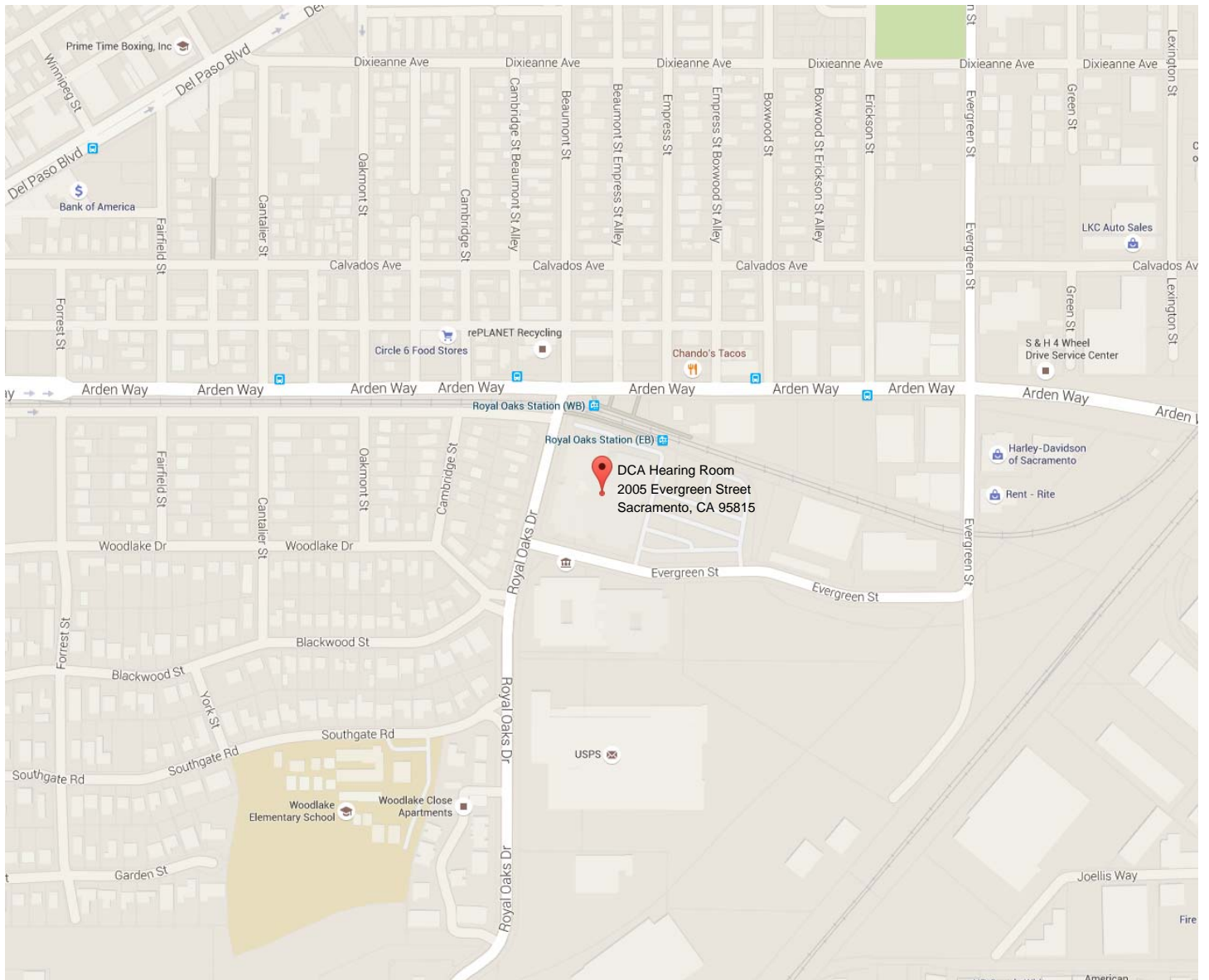
Informational Notes:

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 and items scheduled for a particular day may be moved or continued to an earlier or later day to facilitate the effective transaction of business. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion.

In accordance with the Bagley-Keene Open Meeting Act, all Board meetings are open to the public. Pursuant to Government Code section 11125.7, the Board 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. Total time allocated for public comment on particular issues may be limited. 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 or technical difficulties. 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

DCA Hearing Room, Sacramento, CA

March 22, 2018

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

March 23, 2018

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

Agenda Item 2 – Roll Call



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



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Board Members

President

Alicia Rabena-Amen, PT, DPT

Vice-President

TJ Watkins

Members

Debra Alviso, PT, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Katarina Eleby

Tonia McMillian

Physical Therapy Board of California

DRAFT Meeting Minutes

November 15, 2017 9:00 a.m.

November 16, 2017 9:00 a.m.

Ohlone College

Health Science and Environmental

Science Division

39399 Cherry Street, Room NC 1100

Newark, CA 94560

Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Elsa Ybarra, 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 though 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 Vice
9 President Rabena-Amen at 9:03 a.m. and recessed at 4:57 p.m. on November 15,
10 2017. The Board reconvened at 9:01 a.m. and adjourned at 2:47 p.m. on November 16,
11 2017.

12

13

2. Roll Call and Establishment of Quorum

14

15 Alviso – Present

16 Dominguez- Present

17 Drummer – Present

18 Eleby – Absent

19 McMillian – Absent

20 Rabena-Amen - Present

21 Watkins – Present

22

23 All members were present except for Katarina Eleby and Tonia McMillian; a quorum
24 was established. Also present at the meeting were: Tara Welch and Salwa Bojack,
25 Legal Counsels; Jason Kaiser, Executive Officer; and Sarah Conley and Monny Martin,
26 Board staff.

27

28

29

30 **3. Review and Approval of August 23-24, 2017 Meeting Minutes – Becky Marco**

31
32 Ms. Conley presented the draft August minutes on Ms. Marco’s behalf. It was noted by
33 Dr. Drummer there were discrepancies in the vote records on agenda items #4 and #16.
34 Dr. Drummer also questioned the necessity for the roll call voting if it was not recorded
35 in the minutes. Ms. Welch advised an accounting of the roll call vote should be
36 documented in the minutes. The Board concluded the minutes should be amended to
37 reflect the roll call votes, the day on which the vote took place in the event an agenda
38 item was taken out of order and attendance or absence of each Board member. The
39 Board delegated the amendments to be made by the Executive Officer and staff
40 accordingly for the President’s signature.

41
42 **MOTION:** To approve the August 23-24, 2017 minutes as amended.

43 **M/S:** Alviso/Drummer

44 **VOTE:** Alviso – Aye
45 Dominguez- Aye
46 Drummer – Aye
47 Eleby – Absent
48 McMillian – Absent
49 Rabena-Amen - Aye
50 Watkins - Aye
51 5-0 Motion carried

52
53 **4. Acting President’s Report – Alicia Rabena-Amen**

54
55 (A) 2017 Adopted Meeting Calendar

56
57 Ms. Rabena-Amen commented that 2017 is coming to an end, leaving nothing to
58 discuss.

59
60 (B) 2018 Proposed Meeting Calendar

61
62 Dr. Drummer questioned whether the 2018 calendar had been adopted; Mr. Kaiser
63 responded it had been adopted. Dr. Drummer; therefore, suggested removing the
64 reference to “Plan B.” The Board discussed setting a date for Strategic Planning in
65 conjunction with the March 2018 meeting dates and Dr. Dominguez advised because of
66 CAPTE activities he would be restricted from attending on the Wednesday before the
67 scheduled meeting in March. Mr. Kaiser advised more discussion would be had under
68 the Executive Officer’s report.

70 While the Board was conversing about meeting dates, Ohlone College offered to host
71 the Board in December 2018.

72
73 **5. Executive Officer's Report – Jason Kaiser**
74

75 Mr. Kaiser discussed the roadmap developed by DCA's Solid Planning Solutions and
76 advised, whether used or not, is a service paid for through pro rata. Dr. Drummer
77 questioned whether Mr. Kaiser had seen the result of their work and whether he had
78 confidence in the outcome. Mr. Kaiser responded while in the past he may not have
79 been comfortable relying on their service, he has since seen the quality of their current
80 product.

81
82 Mr. Kaiser and Dr. Drummer talked about the Board's outreach efforts at the California
83 Physical Therapy's Association Annual Conference and expressed gratitude for being
84 able to participate once again after seven years. Mr. Kaiser added to further outreach
85 efforts he has accepted invitations to present at three programs in 2017 and 2018 and is
86 looking forward to more invitations. Ms. Rabena-Amen questioned if the Outreach
87 Committee appointed by President Eleby had a chance to meet; Mr. Kaiser replied they
88 had not yet met.

89
90 Mr. Kaiser presented Veterinary Medical Board's proposed regulatory language on
91 animal physical rehabilitation and noted it is in its regulatory process infancy. Ms.
92 Welch stated there had already been a modification to the language in subsection (e.
93

94 While the Board was awaiting agenda item #8 and prior to entering into closed session
95 it fielded questions from the Ohlone College students, which ranged from what the
96 Board does in closed session to how to become a Board member.

97
98 **6. Closed Session**
99

100 The Board went into closed session at 9:09 a.m. and again at 3:20 p.m.

101
102 (A) Pursuant to Government Code section 11126(c)(3), Deliberation on Disciplinary
103 Actions and Decisions to be Reached in Administrative Procedure Act
104 Proceedings

105 (B) Pursuant to Government Code section 11126(a)(1), Evaluation of Executive Officer
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7. Reconvene Open Session

The Board reconvened at 10:45 a.m. after going into closed session at 9:09 a.m. and reconvened again at 4:56 p.m. after going into closed session at 3:20 p.m. The Board recessed at 4:57 p.m.

8. Maximus – Healthcare Professionals Diversion Program Presentation - *Stephanie Trumm, Maximus*

Ms. Trumm presented on the history, mission, structure and components of the program.

9. Discussion and Possible Board Action – *Sunset Review Report – Jason Kaiser*

- (A) Discussion and Possible Board Action Regarding AB 1706, (Committee on Business and Professions) Healing Arts: Chiropractic Practice: Occupational Therapy: Physical Therapy

Mr. Kaiser advised AB 1706 was chaptered into law extending the Board until January 1, 2022. He further advised the bill included repeal of Business and Professions Code (BPC) section 2648.7 authorizing retired license status exemption. The repeal allows the Board to rely on BPC section 464 for retired license status exemption. The Bill also grants the Board discretion when granting exemptions from BPC section 2653(b) and exempts licensees from specific English- speaking countries. Finally, the Bill repeals BPC section 2688.5, which requires the Board to submit a report to the legislature when the Board increases its fees. The Bill did not include extending fee caps which are currently at their ceiling.

10. Legislation Report – *Jason Kaiser*

- (A) Discussion and Possible Board Action Regarding the 2017/18 Legislative Session Summary

- i. Discussion and Possible Board Action Regarding AB 208 (Eggman) Deferred Entry of Judgment Pretrial Diversion

Mr. Kaiser referred the members to the report included in the agenda book and advised AB 208 had been amended to a point where the concerns of the Board had been alleviated. He also pointed out that AB 387, the Minimum Wage bill for Health Professionals had been Ordered to the Inactive File.

153 **11. Rulemaking Report – Becky Marco**

154
155 (A) Discussion and Possible Board Action Regarding the 2017 Rulemaking Update

156
157 i. Examination Passing Standard/Setting Examination Score

158
159 Mr. Kaiser reported on Ms. Marco’s behalf that the required documentation had been
160 submitted to the Department of Consumer Affairs (DCA) and it was at the beginning of
161 the new rulemaking process implemented by DCA.

162
163 (B) Discussion of Issues and Possible Board action regarding Guidelines for Issuing
164 Citations and Imposing Discipline, 6th Edition

165
166 Mr. Kaiser presented the issues of concern raised in the Briefing Paper. Dr.
167 Dominguez questioned whether it’s 30 days of negative tests or is it 30 tests in 30 days
168 in “issue #1”? Mr. Martin responded it is a common question from probationers to
169 which he explains each term of an Administrative Order to the Respondent and he
170 advises the 30 days of negative tests usually results in closer to 45 days as the number
171 of days is dependent on the participation of the Respondent. Dr. Alviso suggested the
172 language be placed in “Term Y” which will ensure it is included in the Administrative
173 Order. Ms. Welch suggested mirroring language of “Term Y” in the Overview. The
174 Board concluded this issue with clarifying the period of 30 days by amending language
175 contained in “Term Y” to read:

176
177 “The Board shall determine whether or not the Respondent is safe to return to
178 full-time or part-time work, and what restrictions shall be imposed on the
179 Respondent. However, Respondent shall not return to practice until he or she
180 has negative drug tests for a period of at least 30 days.”

181
182 They will also mirror the modified language in “Term Y” in the Overview. The Board
183 discussed this at length and concluded to add Business and Professions Code section
184 480 to the Guidelines with a minimum discipline of Public Repeal and maximum
185 discipline of Application Denial.

186
187 The Board accepted the other three staff recommendations used in the Briefing Paper
188 regarding Cost Recovery, Maintenance of a Valid License and Notice to Consumer.
189 The Board concluded its review and adopted the proposed modifications to the
190 Guidelines for Issuing Citations and Imposing Discipline, 6th Edition.

191
192 **MOTION:** To approve the proposed regulatory changes as modified, direct the
193 Executive Officer to take all steps necessary to initiate the rulemaking process,
194 authorize the Executive Officer to make any technical or non-substantive changes to
195 the rulemaking package, notice the proposed text for a 45-day comment period, and if
196 no adverse comments are received during the 45-day comment period, and no hearing
197 is requested, adopt the proposed regulatory changes as modified.

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M/S: Watkins/Dominguez
VOTE: Alviso – Aye
Dominguez – Aye
Drummer – Aye
Eleby – Absent
McMillian – Absent
Rabena-Amen – Aye
Watkins – Aye
5-0 Motion carried.

(C) Discussion of Issues and Possible Board Action Regarding Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool

The Board discussed the language as presented by Mr. Kaiser and agreed to amend the language by adding date ranges and quotation marks to the titles of each CWT. It further decided to strike from the title of CWT 6, “*For Implementation Beginning January 1, 2016*” and add in parenthesis language “for individuals who graduated on or after January 1, 2017.”

MAIN MOTION: To approve the proposed regulatory changes and direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes as modified.

M/S: Drummer/Watkins

MOTION TO AMEND MAIN MOTION: To add the language “as modified” to the main motion.

M/S: Dominguez/Alviso
VOTE: Alviso – Aye
Dominguez – Aye
Drummer – Aye
Eleby – Absent
McMillian – Absent
Rabena-Amen – Aye
Watkins – Aye
5-0 Motion carried

MAIN MOTION AS AMENDED: To approve the proposed regulatory changes as modified and direct the Executive Officer to take all steps necessary to initiate the

243 rulemaking process, authorize he Executive Officer to make an technical or non-
244 substantive changes to the rulemaking package, notice the proposed text for a 45-day
245 comment period, and if no adverse comments are received during the 45-day comment
246 period, and no hearing is requested, adopt the proposed regulatory changes as
247 modified.

248
249 **M/S:** Drummer/Watkins
250 **VOTE:** Alviso – Aye
251 Dominguez – Aye
252 Drummer – Aye
253 Eleby – Absent
254 McMillian – Absent
255 Rabena-Amen – Aye
256 Watkins – Aye
257 5-0 Motion carried.

258
259
260 **12. Discussion and Possible Board Action Regarding 2018 Rulemaking Calendar-**
261 *Becky Marco*

262
263 Mr. Kaiser presented the proposed 2018 Rulemaking Calendar.

264
265 **MOTION:** To adopt the proposed 2018 Rulemaking Calendar as presented.
266 **M/S:** Watkins/Alviso
267 **VOTE:** Alviso – Aye
268 Dominguez – Aye
269 Drummer – Aye
270 Eleby – Absent
271 McMillian – Absent
272 Rabena-Amen – Aye
273 Watkins – Aye
274 5-0 Motion carried

275
276 **13. Public Comment on Items Not on the Agenda**

277
278 Please note that the Board may not discuss or take action on any matter raised during
279 this public comment section that is not included on this agenda, except to decide
280 whether to place the matter on the agenda of a future meeting. [Government Code
281 sections 11125, 11125.7(a).]

282
283 There was no public comment.

284
285 **14. Recess**

286
287 The Board recessed at 4:57 p.m. on Wednesday, November 15, 2017 – Day one

Agenda – Thursday, November 16

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15. Call to Order

The Physical Therapy Board of California (Board) meeting was called to order by Vice President Rabena-Amen at 9:01 a.m. on November 16, 2017.

16. Roll Call and Establishment of Quorum

- Alviso – Present
- Dominguez – Present
- Drummer – Present
- Eleby - Absent
- McMillian - Absent
- Rabena-Amen – Present
- Watkins - Present

All members were present with the exception of Katarina Eleby and Tonia McMillian, and a quorum was established. Also present at the meeting were: Tara Welch and Salwa Bojack, Legal Counsels; Jason Kaiser, Executive Officer; Sarah Conley and Monny Martin, Board staff.

17. Discussion and Possible Board Action for the Increase in Board Level and Exempt Status of the Executive Officer – *Alicia Rabena-Amen*

Ms. Rabena-Amen reported the Board has the support of DCA in their request to increase the level and status of the Executive Officer; however, a response has not yet been received.

18. Closed Session

The Board did not enter into closed session on day two, November 16, 2018.

- (A) Pursuant to Government Code section 11126(c)(3), Deliberation on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceeding
- (B) Pursuant to Government Code section 11126(a)(1), Evaluation of Executive Officer

19. Reconvene Open Session

The Board did not enter into closed session.

328 **20. Consumer and Professional Associations and Intergovernmental Relation**
329 **Reports**

330 (A) Federation of State Boards of Physical Therapy (FSBPT)
331

332 There was no representative from the FSBPT present. However, Mr. Kaiser, Mr.
333 Watkins and Dr. Rabena-Amen all shared their experience from the Annual Meeting.
334 Mr. Kaiser advised he was appointed to the Council of Board Administrators
335 Nominating Committee and currently sits on the Continuing Competency Committee
336 while Ms. Rabena-Amen sits on the Foreign Educated Committee. He went on to
337 express the importance of being a presence and representing the Board. Mr. Watkins'
338 shared his observation was that the FSBPT was more commercial oriented than
339 consumer protection oriented. Ms. Rabena-Amen followed-up by commenting she
340 was proud of the California Board and its focus on its mission. Mr. Rabena-Amen
341 asked to have the Performance Evaluation Tool developed by FSBPT on the Board's
342 next agenda.
343

344 (B) Department of Consumer Affairs (DCA) – Executive Office
345

346 Karen Nelson, Assistant Deputy Director of Board and Bureau Services reported on
347 staff changes; the quarterly Leadership forum on September 2nd; the Future
348 Leadership Program Development launch in May; Pro Rata Workgroup meetings
349 August and October; DCA Strategic Plan release in July; and, mandatory sexual
350 harassment training is required in 2017.
351

352 (C) California Physical Therapy Association (CPTA)
353

354 No representative was present.
355

356 **21. Board Member Training – Jason Kaiser**
357

358 (A) Council on Licensure, Enforcement and Regulation (CLEAR) Administrative
359 Rulemaking
360

361 The Board found the training to be valuable and applicable to their roles and
362 responsibilities. They encouraged further training at future meetings.
363

364 After the training, the Board once again responded to questions from the Ohlone
365 College students.
366

367 **22. Administrative Services Report**
368

369 (A) Budget– Araceli Strawmier
370
371

372 Mr. Kaiser presented on behalf of Ms. Strawmier drawing attention to the State's
373 migration to a new accounting system that has suspended budget reports
374 temporarily.
375

376 (B) Outreach – Araceli Strawmier
377

378 Mr. Kaiser directed the Board to the report in the agenda materials and explained
379 recruitment for a staff person designated specifically for outreach is underway. He
380 added the Board is seeking a new template for its website design.
381

382 **23. Application Report – Sarah Conley**
383

384 Ms. Conley presented on her report included in the agenda book and fielded questions
385 regarding the data presented.
386

387 **24. Licensing Services Report – Sarah Conley**
388

389 (A) Continuing Competency Report
390

391 Again, Ms. Conley directed the members to the report included in the agenda book. Ms.
392 Rabena-Amen questioned whether those audits where compliance is obtained are less
393 labor intensive. Mr. Kaiser explained they all require an equal amount of attention.
394

395 (B) Discussion and Possible Board Action to Removal of Continuing Competency
396 Approval Agency Recognition
397

398 i. Nursing and Rehab at Home
399

400 **MOTION:** To withdraw Approval Agency Recognition from Nursing and Rehab at Home.
401

402 **M/S:** Drummer/Watkins

403 **VOTE:** Alviso – Aye

404 Dominguez - Aye

405 Drummer - Aye

406 Eleby – Absent

407 McMillian - Absent

408 Rabena-Amen - Aye

409 Watkins – Aye

410 5-0 Motion carried
411

412 ii. TERRIO Physical Therapy and Fitness
413

414 **MOTION:** To withdraw Approval Agency Recognition from TERRIO Physical Therapy
415 and Fitness.
416

417 **M/S:** Alviso/Drummer
418 **VOTE:** Alviso – Aye
419 Dominguez - Aye
420 Drummer - Aye
421 Eleby – Absent
422 McMillian - Absent
423 Rabena-Amen - Aye
424 Watkins – Aye
425 5-0 Motion carried

426
427 iii. North Coast Rehab, Inc.

428
429 **MOTION:** To withdraw Approval Agency Recognition from North Coast Rehab, Inc.

430 **M/S:** Watkins/Rabena-Amen

431 **VOTE:** Alviso – Aye
432 Dominguez - Aye
433 Drummer - Aye
434 Eleby – Absent
435 McMillian - Absent
436 Rabena-Amen - Aye
437 Watkins – Aye
438 5-0 Motion carried

439
440 iv. Care Resources

441
442 **MOTION:** To withdraw Approval Agency Recognition from Care Resources.

443 **M/S:** Dominguez/Watkins

444 **VOTE:** Alviso – Aye
445 Dominguez - Aye
446 Drummer - Aye
447 Eleby – Absent
448 McMillian - Absent
449 Rabena-Amen - Aye
450 Watkins – Aye
451 Vote: 5-0 Motion carried

452
453
454 **25. Consumer Protection Services Report – Monny Martin**

455
456 Mr. Martin presented the report as included in the agenda materials and remarked how
457 the performance measures reports are one quarter behind. The Board reviewed the
458 data and commented on the volume.

459
460
461

462 **26. Probation Monitoring Report – Monny Martin**
463

464 Mr. Martin reported there are 93 licensees on probation, and of the 93 probationers, 8
465 are tolling and 22 are currently enrolled and participating in the Board’s Drug and
466 Alcohol Recovery Monitoring Program, equaling 27% of all licensees on probation.
467

468 Mr. Kaiser commented on the volume of cases being managed by all enforcement staff
469 which needs to be addressed in the future since the enforcement analysts currently are
470 assigned approximately 100 cases each. And, Mr. Martin is monitoring close to that
471 amount at 93 probationers. Dr. Drummer remarked it was impressive that none of the
472 probationers were in violation which was representative of Mr. Martin’s efficiency.
473

474 **27. New “DCA Search” License Look Up Web Application – Sarah Conley**
475

476 Ms. Conley presented on the new DCA Search License Look Up Web Application.
477 She advised how it is now real time search and separate from the Board’s search
478 system which avoids taxing the system. She added that the new web application is
479 also mobile friendly.
480

481 **28. Board Member Elections**
482

483 **(A) President**

484 **NOMINATION:** Mr. Watkins nominated Dr. Rabena-Amen as Board President.

485 **NOMINEES:** Rabena-Amen

486 **MOTION:** To elect Dr. Rabena-Amen as Board President.

487 **M/S:** Watkins/Alviso

488 **VOTE:** Alviso – Aye

489 Dominguez – Aye

490 Drummer – Aye

491 Eleby – Absent

492 McMillian – Absent

493 Rabena-Amen – Aye

494 Watkins – Aye

495 5-0 Motion carried.
496

497 **(B) Vice-President**

498 **NOMINATION:** Dr. Dominguez nominated Dr. Drummer as Board Vice President.

499 **NOMINATION:** Dr. Rabena-Amen nominated Mr. Watkins as Board Vice President.

500 **NOMINEES:** Dr. Drummer and Mr. Watkins

501 **MOTION:** To elect a Board Vice President.

502 **M/S:** Rabena-Amen/Dominguez

503 **VOTE:** Alviso – Drummer

504 Dominguez – Drummer
505 Drummer – Watkins
506 Eleby – Absent
507 McMillian – Absent
508 Rabena-Amen – Watkins
509 Watkins – Watkins
510 3-2 in favor of Mr. Watkins/Motion carried.

511
512

(C) FSBPT Delegate

513 **NOMINATION:** Mr. Watkins nominated Dr. Rabena-Amen as Board FSBPT
514 Delegate
515 **NOMINATION:** Dr. Rabena-Amen nominated Dr. Drummer as Board FSBPT
516 Delegate
517 **NOMINEES:** Drummer and Rabena-Amen
518 **MOTION:** To elect a Board FSBPT Delegate
519 **M/S:** Watkins/Alviso
520 **VOTE:** Alviso – Drummer
521 Dominguez – Drummer
522 Drummer – Rabena-Amen
523 Eleby – Absent
524 McMillian – Absent
525 Rabena-Amen – Drummer
526 Watkins – Rabena-Amen
527 3-2 in favor of Dr. Drummer/Motion carried.

528
529

(D) FSBPT Alternate Delegate

530 **NOMINATION:** Mr. Watkins nominated Dr. Dominguez as Board FSBPT Alternate
531 Delegate
532 Dr. Dominguez declined the nomination.
533 **NOMINATION:** Dr. Rabena-Amen nominated Mr. Watkins as Board FSBPT
534 Alternate Delegate
535 **NOMINATION:** Dr. Drummer nominated Dr. Dominguez as Board FSBPT Alternate
536 Delegate
537 Dr. Dominguez sought information regarding the degree of commitment and
538 accepted the nomination.
539 **NOMINEES:** Dominguez and Watkins
540 **MOTION:** To elect a Board FSBPT Alternate Delegate
541 **M/S:** Alviso/Drummer
542 **VOTE:** Alviso – Dominguez
543 Dominguez – Watkins
544 Drummer – Dominguez
545 Eleby – Absent
546 McMillian – Absent

547 Rabena-Amen – Dominguez
548 Watkins – Watkins
549 3-2 in favor of Dr. Dominquez/Motion carried
550

551 **(E) FSBPT Back-up Alternate Delegate**

552 **MOTION:** To adopt the procedure of establishing back-up alternate delegates
553 by alphabetical order of Board members.

554 **M/S:** Drummer/Dominguez

555 **VOTE:** Alviso – Aye
556 Dominguez – Aye
557 Drummer – Aye
558 Eleby – Absent
559 McMillian – Absent
560 Rabena-Amen – Aye
561 Watkins – Aye
562 5-0 Motion carried.
563

564 **29. Public Comment on Items Not on the Agenda**

565 *Please note that the Board may not discuss or take action on any matter raised during*
566 *this public comment section that is not included on this agenda, except to decide*
567 *whether to place the matter on the agenda of a future meeting. [Government Code*
568 *sections 11125, 11125.7(a).]*

569 Dr. Rabena-Amen thanked Ms. Welch for service as counsel to the Board.
570

571
572 **30. Agenda Items for Future Meeting –**

573 March 22 & 23, 2018
574 Department of Consumer Affairs
575 HQ2 Hearing Room
576 1747 North Market Blvd.
577 Sacramento, CA 95834
578

579 Agenda items for the next meeting are FSBPT’s Performance Evaluation Tool (PET),
580 Application Processing and Strategic Planning.
581

582
583
584 **31. Adjournment**

585
586 The meeting adjourned at 2:47 p.m.
587

Physical Therapy Board of California Adopted 2018 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					1	2	3					1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10	8	9	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31	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						1	2	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					26	27	28	29	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		1	2	3	4	5	6					1	2	3							1
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	23	24	25	26	27	28	29	
30																					30	31					

January		February		March		April	
1	New Year's Day	19	President's Day	17	Student Conclave	1	Easter
10	PTA NPTE			22-23	PTBC Meeting Sacramento, CA	4	PTA NPTE
15	Martin Luther King Jr		Meeting New Orleans, LA	31	César Chávez Day	12	Strategic Planning Sacramento, CA
24	PT NPTE					25	PT NPTE

May		June		July		August	
13	Mother's Day	9-10	FSBPT REG Training	4	Independence Day		
28	Memorial Day	17	Father's Day	10	PTA NPTE		
		20-21	PTBC Meeting Southern CA	24-25	PT NPTE		
				28-29	FSBPT LIF		

September		October		November		December	
3	Labor Day	3	PTA NPTE	1-3	FSBPT Delegate	5-6	PTBC Meeting
13-14	PTBC Meeting Sacramento, CA	24	PT NPTE	11	Veteran's Day		TBD, Bay Area, CA
22-23	CPTA Annual Meeting	31	Halloween	22	Thanksgiving	25	Christmas



Physical Therapy Board of California

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

Physical Therapy Board of California

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

Internet: www.ptbc.ca.gov



DATE: February 26, 2018

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.

ADMINISTRATIVE SERVICES – The PTBC was successful in obtaining additional resources to address its need for Outreach. Effective February 1, 2018, the PTBC recruited one, full time Staff Services Analyst to serve as its Outreach Liaison. The Outreach Liaison has been designated to address the PTBC's mandates pertaining to publishing newsletters and facilitating an education program for stakeholders (BPC §2605 (g)(i)) as a priority. In addition, the Outreach Liaison will serve as the primary point of contact for education and communication through social media, web-site maintenance, publications, forms, educational presentations, etc.

Alycia Miller: Miller has been appointed to the Staff Services Analyst (full time / limited-term) position and will serve as the Outreach Liaison within the Administrative Services Program (Admin). As the Outreach Liaison, Ms. Miller will be responsible for education and communications, such as creating/editing publications, forms, etc.; monitor, update, and correspond for PTBC's web-site, Facebook, twitter, newsletter, etc.; coordinate and conduct outreach events; collect and report social media statistics; and, serve as the single point of contact for all matters related to outreach.

Ms. Miller previously served the California Department of Corrections & Rehabilitation (CDCR) as a Personnel Specialist within the Health Care Facility Unit over the past 7 months and their Budget Analyst over the past 30 days. Prior to her appointment with the CDCR, she served in a managerial compacity in the private sector performing duties, such as, but not limited to: handling customer complaints, implementing policy and procedures for improving customer satisfaction, analyzed business trends in order to improve results, conducted outreach in order to generate new customers and increase existing customers participation, etc. We are excited to have Alycia as part of the team!

The Administrative Services Program has completed the recruitment process for the Limited Term Staff Services Analyst (SSA) position within the Application Services Unit. Valerie Kearney has been appointed to the Staff Services Analyst (full time / limited-term) position within the Application Services Program. Ms. Kearney is no stranger to the PTBC team. Since 2015, Ms. Kearney has provided her analytical expertise in support of evaluating

applications for licensure in a part time / intermittent position within the Application Services Program. Ms. Kearney will continue to be responsible for administering the application approval process under the direction of Application & License Maintenance Manager, Sarah Conley. We appreciate Ms. Kearney continuing to dedicate her support in assisting the PTBC meet its strategic goals and objectives.

Please refer to Agenda Item 22(A) for a detailed Budget report.

APPLICATIONS SERVICES – Please refer to Agenda Item 23 for a detailed report.

LICENSING SERVICES – Please refer to Agenda Item 24 for a detailed report.

CONSUMER PROTECTION SERVICES – Please refer to Agenda Item 25 for a more detailed report.

ANIMAL REHABILITATION – Please refer to Agenda Item 10 (a)vi for an update on the legislative bill regarding Animal Rehabilitation

DCA INTERNAL AUDIT – The Department of Consumer Affairs Internal Audit Office has completed its audit of the PTBC. Staff continues to work diligently with the Internal Audit Office, addressing its findings and making suggested improvements to control systems, operations, policies, and procedures. Staff expects to begin working with DCA Internal Audits on it's 180 day follow up in the latter part of April.

OUTREACH – Please refer to Agenda Item 22(B) for a detailed Outreach report.

STRATEGIC PLANNING - DCA's SOLID Training Solutions is currently compiling the responses from the PTBC's Strategic Plan Survey to Stakeholders. Stakeholders included; interested parties, legislators, governmental agencies, education programs, professional associations and over 26 thousand licensees. The Survey was also accessible on the PTBC homepage to anyone who wanted to take it. SOLID facilitators will be working with PTBC staff to create a draft environmental analysis which will be provided to members prior to the scheduled Strategic Planning Session on April 12th, 2018.



Physical Therapy Board of California

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

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Briefing Paper

Date: February 26, 2018
Prepared for: PTBC Members
Prepared by: Brooke Arneson
Subject: Legislation Report

Purpose:

To provide an update on the 2017/18 Legislative session.

Attachments:

1. [2018 Legislative Calendar](#)
2. [Definition of the Board's Legislative Positions](#)
3. [2017/18 Legislative Summary](#)

Background and Update:

The 2018 Legislative calendar is included in the meeting materials for your reference, along with a copy of the Board's Legislative positions taken from the PTBC's Board Member Administrative Manual.

As noted on the calendar, the legislature reconvened January 3rd. February 16th was the last day for bills to be introduced and June 1st is the last day for each house to pass bills introduced in that house. October 15th is the last day for the Governor to sign or veto bills passed by the Legislature on or before September 15th and in the Governor's possession after September 15th. All statutes will take effect January 1, 2019.

In addition, a 2017/18 Legislative summary is included which notes all bills from the current Legislative session that could potentially impact Physical Therapy practice, regulation or the operation of the Physical Therapy Board.

Action Requested:

No action is needed. This Legislative report is for informational purposes only.

2018 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK

Revised 9-20-17

DEADLINES

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

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

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

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

MAY							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
No Hrgs.	27	28	29	30	31		

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **Floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 19** Presidents' Day.

- Mar. 22** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 30** Cesar Chavez Day observed.

- Apr. 2** Legislature reconvenes from Spring Recess (J.R. 51 (b)(1)).
- Apr. 27** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 11** Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 18** Last day for **policy committees** to meet prior to June 4 (J.R. 61(b)(7)).
- May 25** Last day for **fiscal committees** to hear and report to the **Floor** bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 4 (J.R. 61 (b)(9)).
- May 28** Memorial Day.
- May 29 – June 1** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).

*Holiday schedule subject to final approval by Rules Committee.

2018 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK

Revised 9-20-17

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30

June 1 Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

June 4 Committee meetings may resume (J.R. 61(b)(12)).

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

June 28 Last day for a legislative measure to qualify for the Nov. 6 General Election ballot. (Elec. Code Sec. 9040)

June 29 Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

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

July 4 Independence Day.

July 6 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins on adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess				1	2	3	4
Wk. 2	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
No Hrgs.	19	20	21	22	23	24	25
No Hrgs.	26	27	28	29	30	31	

Aug. 6 Legislature reconvenes from Summer Recess (J.R. 51(b)(2)).

Aug. 17 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 20 – 31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

Aug. 24 Last day to **amend** on Floor (J.R. 61(b)(17)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)). **Final Recess** begins on adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2018

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).

Oct. 1 Bills enacted on or before this date take effect January 1, 2019 (Art. IV, Sec. 8(c)).

Nov. 6 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 3 2019-20 Regular Session convenes for Organizational Session at 12 noon (Art. IV, Sec. 3(a)).

2019

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

*Holiday schedule subject to final approval by Rules Committee.

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

(Board Policy)

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

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

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

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

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

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

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

2017/18 Legislative Summary

Bill	Author	Summary	Board's Position	Status	
<p>AB 2078 (Introduced 2/7/18)</p>	<p>Daly</p>	<p>Sex Offenses: Professional Services Under existing law, a person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery punishable by imprisonment in a county jail for not more than one year or in the state prison for 2, 3, or 4 years, and a fine not to exceed \$10,000. Under existing law, the crimes of rape, sodomy, oral copulation, and sexual penetration, when the victim was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration or oral copulation served a professional purpose, are punishable by imprisonment in the state prison for 3, 6, or 8 years. This bill would expand the crime of sexual battery to apply to a person who performs professional services that entail having access to another person's body and who touches an intimate part of that person's body while performing those services, and the touching was against the person's will and for the purpose of sexual arousal, sexual gratification, or sexual abuse. The bill would expand the definitions of each of the crimes of rape, sodomy, oral copulation, and</p>	<p>No Position</p>	<p>2/22/18</p>	<p>Assembly Public Safety Committee.</p>

2017/18 Legislative Summary

Bill	Author	Summary	Board's Position	Status	
		<p>sexual penetration to include any of those crimes performed against a victim's will by a professional whose services entail having access to the victim's body, if the conduct is performed by the professional while performing those services. By expanding the scope of these crimes, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.</p>			
<p>AB 2138 (Introduced 2/12/18)</p>	<p>Chiu and Low</p>	<p>Licensing Boards: Denial of Application: Criminal Conviction Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs and authorizes a board to deny a license on the grounds that the applicant has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been</p>	<p>No Position</p>	<p>2/26/18</p>	<p>Assembly. Business and Professions Committee.</p>

2017/18 Legislative Summary

Bill	Author	Summary	Board's Position	Status	
		<p>dismissed, as specified. This bill would instead prohibit a person from being denied a license solely on the basis that</p> <p>would make conforming changes.</p>			
<p>AB 2221 2/12/18)</p>	<p>Bloom</p>	<p>Occupational Therapy Practice Act The Occupational Therapy Practice Act provides for the licensure and regulation of occupational therapists and occupational therapy assistants by the California Board of Occupational Therapy. This bill would make a nonsubstantive change to this act.</p>	<p>No Position</p>	<p>2/13/18</p>	<p>Assembly. Pending Referral.</p>
<p>AB 2386 (Introduced 2/18/18)</p>	<p>Rubio</p>	<p>Teacher Credentialing: Specialization in Occupational Therapy or Physical Therapy Services (1) Existing law requires the</p> <p>Credentialing to, among other things, establish professional examinations for entry and profession and to establish</p> <p>certificates, and permits. Existing law sets forth the minimum requirements for a</p> <p>specialization in health and occupational therapist or physical therapist from the</p> <p>specialization in health is authorized to perform. This bill would require the commission to develop a services credential with a</p>	<p>No Position</p>	<p>2/15/18</p>	<p>Assembly. Pending Referral</p>

2017/18 Legislative Summary

Bill	Author	Summary	Board's Position	Status	
		<p>specialization in occupational therapy or physical therapy services and would establish the minimum requirements for the credential, as provided. The bill would require the commission to determine the effective date of the credential and would authorize, on that date, any person with at least 5 years of experience providing occupational therapy or physical therapy services in a public school setting to apply for the credential if that person satisfies specified conditions.</p> <p>(2) Existing law specifies the minimum requirements for the preliminary services credential with a specialization in administrative services, which include, among other requirements, possession of one of various types of credentials.</p> <p>This bill would provide that possession of the services credential with a specialization in occupational therapy or physical therapy services satisfies that requirement.</p>			
<p>AB 2423 (Amended 2/14/18)</p>	<p>Holden</p>	<p>Physical Therapists: Direct Access to Services: Plan of Care Approval.</p> <p>The Physical Therapy Practice Act authorizes a patient to access physical therapy treatment directly from a licensed physical therapist if the treatment is within the scope of practice of physical therapists and prescribed conditions are met, including a treatment limit prohibiting the physical therapist from continuing treatment beyond 45 calendar days or 12 visits, whichever occurs first, without receiving specified doctor approval of the physical therapist's plan of care. The act exempts from that plan of care approval condition for</p>	<p>No Position</p>	<p>2/15/18</p>	<p>Assembly. Pending Referral.</p>

2017/18 Legislative Summary

Bill	Author	Summary	Board's Position	Status	
		<p>continuing treatment the provision of certain wellness physical therapy services to a patient. This bill would also exempt from that condition the provision of physical therapy services as part of an individualized family service plan or an individualized education plan pursuant to the federal Individuals with Disabilities Education Act.</p>			
<p>AB 3013 (Introduced 2/16/18)</p> <p>Proposed Ammendments</p>	<p>Chu Coauthor: Limón</p>	<p>Veterinary Medicine: Animal Physical Rehabilitation This bill would authorize a licensed physical therapist with an advanced certificate in animal physical rehabilitation to provide animal physical rehabilitation to an animal if certain conditions are met, including that the animal physical rehabilitation is performed on a veterinary premise registered with the Veterinary Medical Board, an animal rehabilitation facility registered with the Veterinary Medical Board, or a range setting. The bill would define an animal rehabilitation facility and would require an animal rehabilitation facility to register with the Veterinary Medical Board and pay specified registration fees. The bill would require the Veterinary Medical Board to create an application and determine the application process for the certificate. The bill would require the Veterinary Medical Board and the Physical Therapy Board of California, in cooperation, to determine the qualifications necessary for a physical therapist to receive the advanced certificate issued by the Veterinary Medical Board and would authorize the Veterinary Medical Board to</p>	<p>No Position</p>	<p>2/17/18</p>	<p>Assembly. Pending Referral.</p>

2017/18 Legislative Summary

Bill	Author	Summary	Board's Position	Status	
		<p>charge a fee for issuance and renewal of the advanced certificate. The bill would provide that a physical therapist with an advanced certificate in animal physical rehabilitation is solely liable for any rehabilitation provided under the certificate. The bill would also redefine physical therapy to include the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of an animal if practicing under the above-described advanced certificate.</p>			
<p>AB 3110 (Introduced 2/16/18)</p>	<p>Mullin Coauthors: Berman and Calderon</p>	<p>Athletic Trainers This bill would enact the Athletic Training Practice Act, which would, after a determination is made that sufficient funds have been received to pay initial costs of this bill, provide for the licensure and regulation of athletic trainers, as defined. The bill would, after that determination, establish the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy to implement these provisions, including issuing and renewing athletic training licenses and imposing disciplinary action. Under the bill, the committee would be comprised of 7 members, to be appointed to 4-year terms, except as specified Commencing 6 months after the committee is established by this bill, the bill would prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee, except as specified. The bill would prohibit, except in specified cases for a specified period, a person from using the title "athletic trainer," unless the</p>	<p>No Position</p>	<p>2/17/18</p>	<p>Assembly. Pending Referral.</p>

2017/18 Legislative Summary

Bill	Author	Summary	Board's Position	Status	
		<p>person is licensed by the committee or other conditions are met. The bill would specify the requirements for licensure, including education, examination, and payment of a license application fee established by the committee. The bill would define the practice of athletic training and prescribe direction requirements on athletic trainers. The bill would also establish the Athletic Trainers' Fund for the deposit of license application and renewal fees, as specified, and would make those fees available to the committee for the purpose of implementing these provisions upon appropriation by the Legislature. The bill would authorize the Director of DCA to seek and receive donations from the California Athletic Trainers Association or any other private person or entity for purposes of obtaining funds for the startup costs of implementing the act. The bill would require the director to determine that sufficient funds for that purpose have been obtained and to provide notice to the Legislature, the Governor, and on the department's Internet Web site of the determination, as specified. The bill would repeal these provisions on January 1, 2026. By changing the definition of a crime, it would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.</p>			

PROPOSED AMENDMENTS

RN 18 09718 05
03/20/18 10:55 AM
SUBSTANTIVE

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 3013

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 3013

Introduced by Assembly Member Chu
(Coauthor: Assembly Member Limón)

February 16, 2018



Amendment 1

An act to amend ~~Sections 2620 and~~ *Section* 4905 of, and to add Section 4828.5 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 3013, as introduced, Chu. Veterinary medicine: animal physical rehabilitation.

Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California, which is within the Department of Consumer Affairs, and defines physical therapy as the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise.

Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs. That act makes it unlawful for any person to practice veterinary medicine in this state without a license and provides that the practice of veterinary medicine includes, among other things, the treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal.

PROPOSED AMENDMENTS

**RN 18 09718 05
03/20/18 10:55 AM
SUBSTANTIVE**

AB 3013

— 2 —

This bill would authorize a licensed *an animal* physical therapist with an advanced certificate in animal physical rehabilitation to provide animal physical rehabilitation to an animal if certain conditions are met, including that the animal physical rehabilitation is performed on a veterinary premise registered with the Veterinary Medical Board, in an animal rehabilitation facility registered with the Veterinary Medical Board, or in a mobile or range setting. The bill would define “animal physical therapist” as a physical therapist licensed under the Physical Therapy Practice Act with a certificate in animal physical rehabilitation issued by the Veterinary Medical Board. The bill would also define an animal rehabilitation facility “animal rehabilitation facility” and would require an animal rehabilitation facility to register with the Veterinary Medical Board and pay specified registration fees. The bill would require the Veterinary Medical Board to create an application and determine the application process for the certificate. The bill would require the Veterinary Medical Board and the Physical Therapy Board of California, in cooperation, to determine by regulation the qualifications necessary for a physical therapist to receive the advanced certificate issued by the Veterinary Medical Board and would authorize the Veterinary Medical Board to charge a fee for issuance and renewal of the advanced certificate. The bill would provide that a *an animal* physical therapist with an advanced certificate in animal physical rehabilitation is solely liable for any *animal physical* rehabilitation provided under the certificate. The bill would also redefine physical therapy to include the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of an animal if practicing under the above-described advanced certificate. give the Veterinary Medical Board the exclusive authority to discipline an animal physical therapist.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

Page 2

1 SECTION 1. Section 2620 of the Business and Professions
2 Code is amended to read:
3 2620. (a) Physical therapy means the art and science of
4 physical or corrective rehabilitation or of physical or corrective
5 treatment of any bodily or mental condition of any person or an
6 animal if practicing under Section 4828.5 by the use of the

Amendment 2

PROPOSED AMENDMENTS

RN 18 09718 05
03/20/18 10:55 AM
SUBSTANTIVE

Page 2 7 physical, chemical, and other properties of heat, light, water,
8 electricity, sound, massage, and active, passive, and resistive
9 exercise, and shall include physical therapy evaluation, treatment
10 planning, instruction and consultative services. The practice of
11 physical therapy includes the promotion and maintenance of
12 physical fitness to enhance the bodily movement related health
13 and wellness of individuals through the use of physical therapy
14 interventions. The use of roentgen rays and radioactive materials,
Page 3 1 for diagnostic and therapeutic purposes, and the use of electricity
2 for surgical purposes, including cauterization, are not authorized
3 under the term "physical therapy" as used in this chapter, and a
4 license issued pursuant to this chapter does not authorize the
5 diagnosis of disease.

6 (b) Nothing in this section shall be construed to restrict or
7 prohibit other healing arts practitioners licensed or registered under
8 this division from practice within the scope of their license or
9 registration.

10 SEC. 2.

+ SECTION 1. Section 4828.5 is added to the Business and
11 Professions Code, to read:

12 4828.5. (a) Notwithstanding any other law, ~~a an animal~~
13 physical therapist licensed under Chapter 5.7 (commencing with
14 Section 2600) with an advanced certificate in animal physical
15 rehabilitation issued by the board may provide animal physical
16 rehabilitation to an animal if all of the following requirements are
+ met:

17 (1) The animal physical therapist is working under the indirect
18 supervision of a licensed veterinarian who has an established
19 veterinarian-client-patient relationship with the animal.

20 (2) (A) ~~The animal physical rehabilitation is performed on a~~
21 veterinary premise registered with the board, *in an animal*
22 rehabilitation facility registered with the board, or *in a mobile or*
+ range setting.

23 (B) ~~"An animal rehabilitation facility" for purposes of this~~
24 chapter means a facility where a physical therapist with an
25 advanced certificate performs animal physical rehabilitation on an
26 animal pursuant to this section.

27 (3) The animal physical therapist applies to the board, on an
28 application form approved by the board, and pays the fee for the
29 a certificate *in animal physical rehabilitation* under Section 4905.

Amendment 3
Amendment 4

Amendment 5

Amendment 6

Amendment 7
Amendment 8
Amendments 9 & 10

Amendment 11

Amendment 12
Amendments 13 & 14

PROPOSED AMENDMENTS

AB 3013

— 4 —

RN 18 09718 05

03/20/18 10:55 AM

SUBSTANTIVE

Amendment 15

Amendment 16

Amendment 17

Amendment 18

Amendments 19 & 20

Amendment 21

Amendment 22

Amendments 23 & 24

Amendment 25

Amendment 26

Page 3 30 (b) (1) An animal rehabilitation facility shall register with the
31 board, ~~an~~ on a form approved by the board, and pay the registration
32 fee under Section 4905.

+ (2) *An animal physical therapist may register an animal
+ rehabilitation facility with the board.*

+ (3) *The board may inspect an animal rehabilitation facility for
+ safety and compliance with this chapter.*

33 (c) (1) The board and the Physical Therapy Board of
34 California, in cooperation, shall determine *by regulation* what
35 qualifications are necessary for a physical therapist *licensed under*

+ *Chapter 5.7 (commencing with Section 2600)* to receive ~~an~~
36 ~~advanced~~ a certificate in animal physical rehabilitation issued by
37 the board. When making this determination, the board and the
38 Physical Therapy Board of California shall ensure that the
39 qualifications provide for safe and efficacious treatment of an
+ ~~animal~~ *animal and are consistent with the Veterinary Medical*
+ *Board's Animal Rehabilitation Task Force findings and approved*
+ *motions.*

Page 4 1 ~~(2) The board shall create the application form and determine~~
2 ~~the application process for the certificate.~~

3 (d) A certificate shall expire two years after the date of ~~issuance~~.
+ *issuance and may be renewed.*

4 (e) ~~An animal physical therapist with an advanced certificate~~
5 ~~in animal physical rehabilitation~~ shall be solely liable for any
6 animal physical rehabilitation provided under the certificate and
7 the veterinarian that referred the animal for rehabilitation shall not
8 be liable for any rehabilitation provided by the *animal* physical
+ therapist.

+ (f) *The board shall have the exclusive authority to discipline an*
+ *animal physical therapist consistent with this chapter.*

+ (g) *For purposes of this chapter, the following terms shall have*
+ *the following meanings:*

+ (1) *"Animal physical therapist means" a physical therapist*
+ *licensed under Chapter 5.7 (commencing with Section 2600) with*
+ *a certificate in animal physical rehabilitation issued by the board*
+ *pursuant to this section.*

+ (2) *"Animal rehabilitation facility" means a facility where an*
+ *animal physical therapist performs animal physical rehabilitation*
+ *on an animal pursuant to this section.*

Page 4

9 ~~SEC. 3.~~
+ SEC. 2. Section 4905 of the Business and Professions Code is
10 amended to read:

11 4905. The following fees shall be collected by the board and
12 shall be credited to the Veterinary Medical Board Contingent Fund:

13 (a) The fee for filing an application for examination shall be set
14 by the board in an amount it determines is reasonably necessary
15 to provide sufficient funds to carry out the purpose of this chapter,
16 not to exceed three hundred fifty dollars (\$350).

17 (b) The fee for the California state board examination shall be
18 set by the board in an amount it determines is reasonably necessary
19 to provide sufficient funds to carry out the purpose of this chapter,
20 not to exceed three hundred fifty dollars (\$350).

21 (c) The fee for the Veterinary Medicine Practice Act
22 examination shall be set by the board in an amount it determines
23 reasonably necessary to provide sufficient funds to carry out the
24 purpose of this chapter, not to exceed one hundred dollars (\$100).

25 (d) The initial license fee shall be set by the board not to exceed
26 five hundred dollars (\$500) except that, if the license is issued less
27 than one year before the date on which it will expire, then the fee
28 shall be set by the board not to exceed two hundred fifty dollars
29 (\$250). The board may, by appropriate regulation, provide for the
30 waiver or refund of the initial license fee where the license is issued
31 less than 45 days before the date on which it will expire.

32 (e) The renewal fee shall be set by the board for each biennial
33 renewal period in an amount it determines is reasonably necessary
34 to provide sufficient funds to carry out the purpose of this chapter,
35 not to exceed five hundred dollars (\$500).

36 (f) The temporary license fee shall be set by the board in an
37 amount it determines is reasonably necessary to provide sufficient
38 funds to carry out the purpose of this chapter, not to exceed two
39 hundred fifty dollars (\$250).

Page 5

1 (g) The fee for filing an application for a university license shall
2 be one hundred twenty-five dollars (\$125), which may be revised
3 by the board in regulation but shall not exceed three hundred fifty
4 dollars (\$350).

5 (h) The initial license fee for a university license shall be two
6 hundred ninety dollars (\$290), which may be revised by the board
7 in regulation but shall not exceed five hundred dollars (\$500).

PROPOSED AMENDMENTS

**RN 18 09718 05
03/20/18 10:55 AM
SUBSTANTIVE**

AB 3013

— 6 —

Page 5

8 (i) The biennial renewal fee for a university license shall be two
9 hundred ninety dollars (\$290), which may be revised by the board
10 in regulation but shall not exceed five hundred dollars (\$500).

11 (j) The delinquency fee shall be set by the board, not to exceed
12 fifty dollars (\$50).

13 (k) The fee for issuance of a duplicate license is twenty-five
14 dollars (\$25).

15 (l) Any charge made for duplication or other services shall be
16 set at the cost of rendering the service, except as specified in
17 subdivision (k).

18 (m) The fee for failure to report a change in the mailing address
19 is twenty-five dollars (\$25).

20 (n) The initial and annual renewal fees for registration of
21 veterinary premises shall be set by the board in an amount not to
22 exceed four hundred dollars (\$400) annually.

23 (o) If the money transferred from the Veterinary Medical Board
24 Contingent Fund to the General Fund pursuant to the Budget Act
25 of 1991 is redeposited into the Veterinary Medical Board
26 Contingent Fund, the fees assessed by the board shall be reduced
27 correspondingly. However, the reduction shall not be so great as
28 to cause the Veterinary Medical Board Contingent Fund to have
29 a reserve of less than three months of annual authorized board
30 expenditures. The fees set by the board shall not result in a
31 Veterinary Medical Board Contingent Fund reserve of more than
32 10 months of annual authorized board expenditures.

33 (p) The fee for the issuance and renewal of ~~an advanced a~~
34 certificate in animal physical rehabilitation pursuant to Section
35 4828.5 shall be set by the board in an amount not to exceed the
36 reasonable regulatory costs to the board.

37 (q) The initial and annual renewal fees for registration of an
38 animal rehabilitation facility pursuant to Section 4828.5 shall be
Page 6 1 set by the board in an amount not to exceed the reasonable
2 regulatory costs to the board.

Amendment 28

O



Physical Therapy Board of California

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

Physical Therapy Board of California

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Briefing Paper

Date: February 27, 2018

Prepared for: PTBC Members

Prepared by: Brooke Arneson

Subject: Rulemaking Report

Purpose: To update the Board on the status of proposed rulemaking in progress and to provide an update on the rulemaking process.

Attachments:

1. [2017/18 Rulemaking Tracking Form](#)
2. [Updated DCA Rulemaking Process](#)

Background:

At the November 2017 meeting, the Board adopted the 2018 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 2018 Rulemaking Calendar, staff developed a rulemaking tracking form on which all rulemaking progress is noted and reported to the Board at its quarterly meetings.

Effective September 7, 2016 all regulatory packages must be submitted to the Department of Consumer Affairs for Business, Consumer Services, and Housing Agency (Agency) review, prior to publicly noticing with the Office of Administrative Law (OAL). A copy of the current DCA Rulemaking process is included.

Action Requested:

No action is requested on presentation of the rulemaking report; however, staff is requesting action which will be addressed during the presentation of [Agenda Item 11\(C\)](#).

2018 Rulemaking Tracking Form

Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool



11/28/2016
11/15/2017

5/25/17

OAL No.:

Notes:

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017. This regulation was also placed on the 2017 Rulemaking Calendar. Proposed regulatory language was presented at the May 2017 Board Meeting. The Board provided feedback and edits to PTBC staff and advised staff to bring the language for Board consideration implementing the Board’s recommendations at a future date. Proposed regulatory language will be presented for Board consideration at the June 2018 meeting.

Examination Passing Standard/Setting Examination Score



11/28/2016
11/15/2017

5/25/17

5/25/17

OAL No.:

Notes:

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017. This regulation was also placed on the 2017 Rulemaking Calendar. Proposed regulatory language was presented at the May 2017 Board Meeting. The Board approved the proposed language and directed PTBC staff to initiate the formal rulemaking process. PTBC staff submitted the proposed regulatory package to DCA Legal for review on November 13, 2017.

Teal: Current Status Burgundy: Completed

Agenda Item 11(A) – Rulemaking Update

2018 Rulemaking Tracking Form

Disciplinary Guidelines



11/28/2016

11/15/2017

OAL No.:

Notes:

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017. This regulation was also placed on the 2017 Rulemaking Calendar. Draft regulatory language for Board consideration will be presented under Agenda Item 11(C).

Continuing Competency



11/15/2017

OAL No.:

Notes:

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

Teal: Current Status Burgundy: Completed

2018 Rulemaking Tracking Form

License Renewal Exemptions: Retired License Status



11/15/2017

OAL No.:

Notes:

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

Clinical Service Requirements for Foreign Educated Applicants



11/15/2017

OAL No.:

Notes:

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

Teal: Current Status Burgundy: Completed

Agenda Item 11(A) – Rulemaking Update

2018 Rulemaking Tracking Form

Unprofessional Conduct



11/15/2017

OAL No.:

Notes:

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

Teal: Current Status Burgundy: Completed

Agenda Item 11(A) – Rulemaking Update

Processing Times

- 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 Department 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:

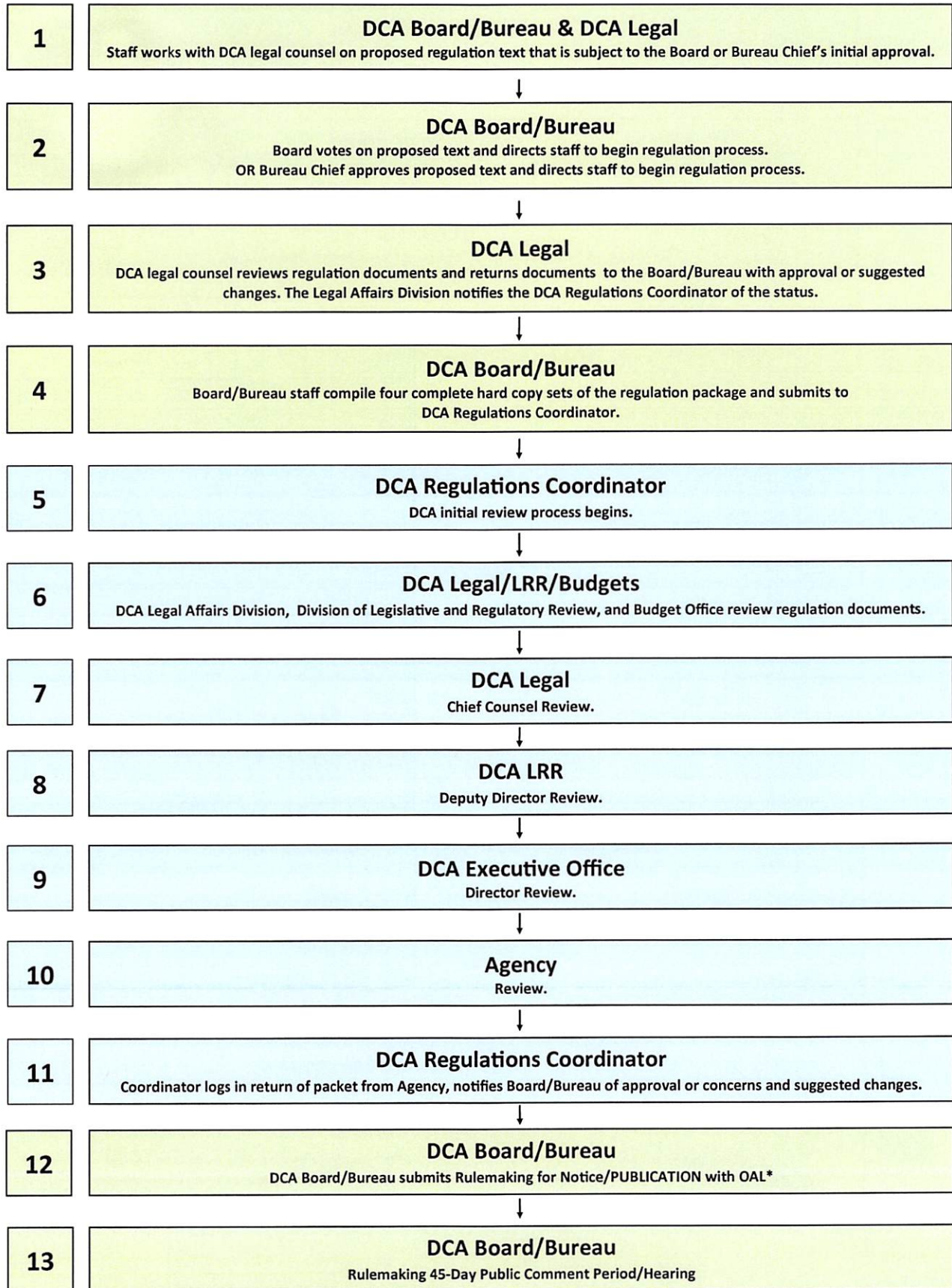
Date Filed with the Secretary of State

Effective Date

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 1 st

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

INITIAL PHASE



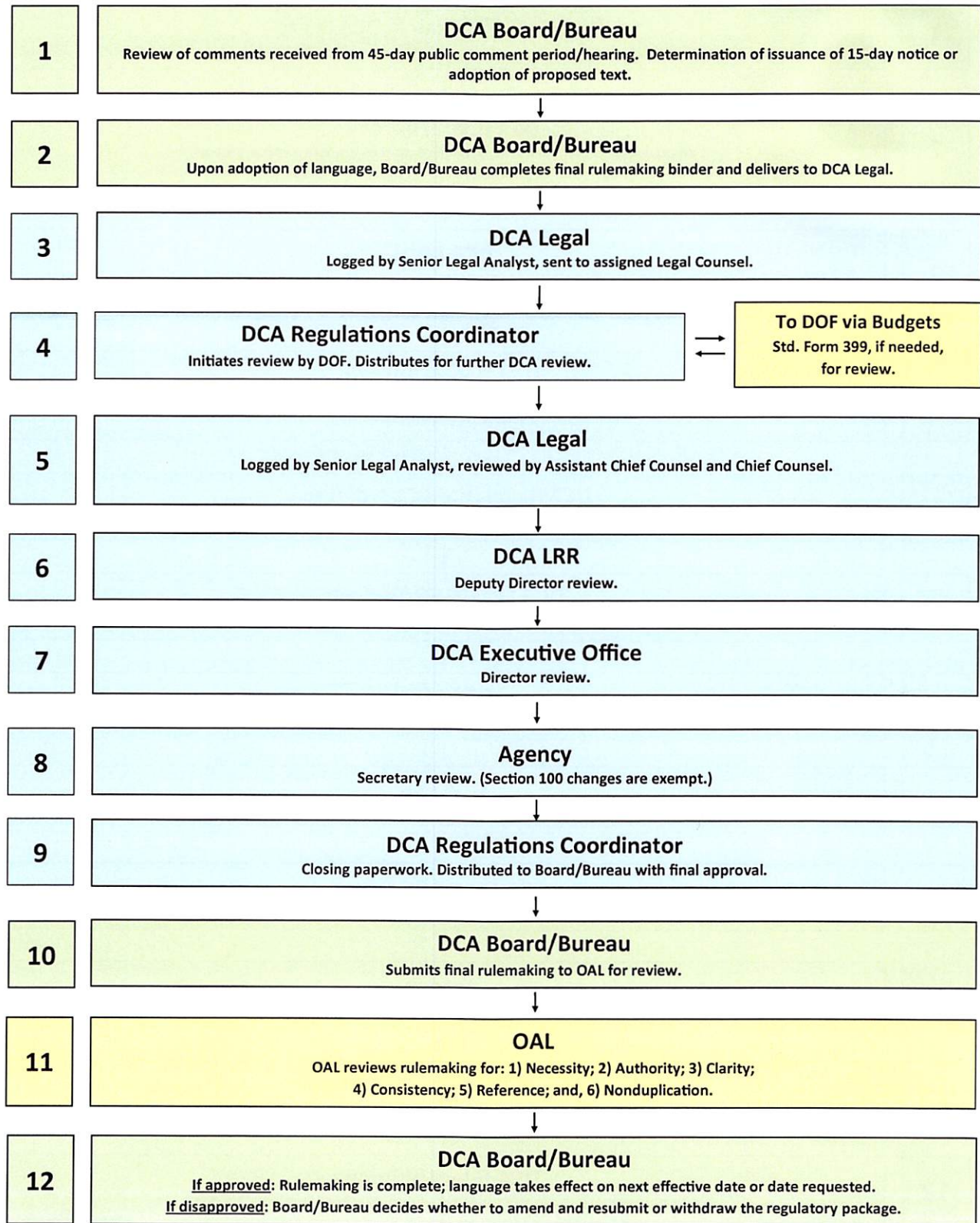
Legend

DCA – Department of Consumer Affairs
LRR – Division of Legislative Regulatory Review
OAL – Office of Administrative Law

* If any changes to language last approved by the Board are needed, a vote by the Board may be necessary.

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

FINAL PHASE



Legend

DCA – Department of Consumer Affairs
 LRR – Division of Legislative Regulatory Review
 OAL – Office of Administrative Law
 DOF – Department of Finance
 Std. Form 399 – Economic and Fiscal Impact Statement



Physical Therapy Board of California

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

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Briefing Paper

Date: March 13, 2018

Prepared for: PTBC Members

Prepared by: Elsa Ybarra

Subject: CCR 1399.15, Guidelines for Issuing Citations and Imposing Discipline (Guidelines)

Purpose: To propose two final revisions to the language of the Guidelines for Issuing Citations and Imposing Discipline included by reference in section 1399.15 of Article 8, Division 13.2, Title 16 of the California Code of Regulations, specifically:

- Definition of Substance Abuse Rehabilitation Programs
- Business and Professions Code section (BPC) 480

Attachments: - [Modified language](#)

Background:

The Board initially adopted into regulation the "Model Guidelines for Imposing Discipline" in July 1997. Since then the Board has adopted into regulation, language modifying the title and content of the Guidelines on four separate occasions.

The Board considered further language modifications to address current issues identified by staff and counsel at the August 2017 meeting. Board staff incorporated the modifications and presented it to the Board at the November 2017 Board meeting. The Board made further modifications and was adopted.

Update since the November 2017 meeting:

When revising the Guidelines as directed by the Board at the November 2017 meeting, there were two additional areas identified resulting in further consideration by the Board. Only the sections requiring Board consideration are attached. If approved, these revisions will be incorporated into the existing rulemaking packet.

The two sections are:

- 1) The Definition of Substance Abuse Rehabilitation Programs has been amended to delete the reference to a “diversion program” since it no longer exists pursuant to the current statutes.
- 2) Business and Professions Code section 480 has been amended to include the minimum and maximum disciplines pursuant to each of the specific subsections as specified in BPC 480.

Action Requested:

Consideration of the following motion:

“I move we approve the proposed modified text presented today and incorporate these changes to the existing rulemaking packet approved at the November 2017 Board Meeting. Direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and if no hearing is requested, adopt the proposed regulatory changes as modified.”

DEFINITION OF SUBSTANCE ABUSE REHABILITATION PROGRAMS

The Board does not consider licensees who have been ordered to participate in the Board's ~~diversion~~ Substance Abuse Rehabilitation Program (rehabilitation program) to be in diversion. ~~Rather,~~ the Board considers these individuals to be in a substance abuse rehabilitation program, (hereafter, referred to as the "rehabilitation program"). As a result, the Board will not use the term "diversion" in these disciplinary ~~Guidelines,~~ to describe licensees on probation or terms and conditions of probation related to the rehabilitation program. Instead the phrase "rehabilitation program" will be used.

There are two pathways into the Board's rehabilitation program:

(1) Participants with drug and/or alcohol addiction issues who have self-referred to the rehabilitation program and are not under a disciplinary order; and, (2) Participants who have been ordered into the Board's rehabilitation program ~~as a result of~~ resulting from violations of the Physical Therapy Practice Act related to drugs and/or alcohol addiction.

Self-Referrals

When a licensee enrolls in the Board's rehabilitation program as a self-referral, the participation is confidential. However, if the rehabilitation program determines a self-referred participant is ~~determined to be~~ too great a risk to the public health, safety, and welfare to continue the practice of physical therapy, the rehabilitation program shall report the facts shall be reported by the rehabilitation program to the Executive Officer of the Board and shall provide all documents and information pertaining to and supporting that conclusion ~~shall be provided to the Executive Officer of the Board.~~ The Board may refer the matter may be referred for investigation and disciplinary action ~~by the Board.~~ Each physical therapist or physical therapist assistant who requests participation in a rehabilitation program shall agree to cooperate with the rehabilitation program designed for ~~him or her~~ them. Any failure to comply with the rehabilitation program may result in termination of participation in the rehabilitation program.

Probationary Participants

Probationary participants ~~are required to~~ shall comply with terms of probation or risk losing their license. Pursuant to ~~section 315 of the~~ Business and Professions Code section 315, the Board uses the Substance Abuse Coordination Committee's *Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (April 4-2011)* (hereafter, "Uniform Standards"). A clinical diagnostic evaluation will be ordered as a term of probation and other Conditions Applying the Uniform Standards will also be included.

While self-referred licensees are not subject to terms and conditions in these Guidelines, they are subject to nearly identical contractual terms of participation and the violation of those terms could lead to termination of participation in the rehabilitation program.

PROPOSED REVISED LANGAUGE

B&P CODE § 480(a)(1). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE; CONVICTION OF CRIME

Discipline:

Minimum: License Issued with Public Reapproval

Maximum: Denial of License

Refer to related statute for Conditions of Probation: B&P Code § 490

B&P CODE § 480(a)(2). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE; DISHONESTY, FRAUD, OR DECEIT

Discipline:

Minimum: License Issued with Public Reapproval

Maximum: Denial of License

Refer to related statutes for Conditions of Probation B&P Code §§ 810 and 2660(j)

B&P CODE § 480(a)(3). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE; DONE ANY ACT IF DONE BY A LICENTIATE

Discipline:

Minimum: License Issued with Public Reapproval

Maximum: Denial of License

Refer to the corresponding statutes for Conditions of Probation.

B&P CODE § 480(d). GROUNDS FOR DENIAL OF APPLICATIONS FOR LICENSURE; FALSE STATEMENT OF FACT FOR APPLICATION

Discipline:

Minimum: License Issued with Public Reapproval

Maximum: Denial of License

Conditions of Probation:

- 1) All "Standard Probation Conditions"
- 2) "Probation Conditions Specific to Violation" for consideration are: A, B, C, D, E, F, J, K, L, M, N

Refer to related statutes: B&P Code §§ 498, 499, 580, 581, 582, 583, 2660(c), and 2660(j)

LANGUAGE ADOPTED NOVEMBER 2017

**B&P CODE § 480. GROUNDS FOR DENIAL OF APPLICATIONS FOR
LICENSURE; CONVICTION OF A CRIME**

Discipline:

Minimum: License Issued with Public Reproval

Maximum: Application Denied

Conditions of Probation:

1) All “Standard Probation Conditions”

2) “Probation Conditions Specific to Violation” for consideration are: A, B, C, D, E, F, J, N, O, V, W, X, Y, Z, AA, BB, CC, DD, EE

“Probation Conditions Specific to Violation” should be considered individual since some, or all, may apply.

(Condition “R” should be considered if the violation(s) relate(s) to psychiatric conditions. Conditions “Y through FF” should only be used if the violation relates to alcohol/substance abuse.)

Refer to related statutes and regulations: B&P Code §§ 2660(e)(f)(w), 2661; 16 CCR § 1399.24(d)



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Briefing Paper

Date: February 22, 2018

Prepared for: PTBC Members

Prepared by: Carl Nelson

Subject: Budget Report

Purpose:

To provide an update on the PTBC's Budget activities for Oct-Dec (Q2), CY 2017-18.

Attachments: None

Background:

The PTBC Budget Report is a quarterly review of the expenditures and revenues, including budget activities and analysis for the current fiscal year in comparison to previous fiscal year. The financial data is collected from the DCA, CalStars report by PTBC budget staff on a monthly basis and compiled into a quarterly report: Jul-Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr-Jun (Q4).

This Current Fiscal Year (CY) 2017-18, the PTBC was approved a total budget authority of \$5,082,000, which includes Personnel Services, Operating Expenses and Equipment; and, 21.4 authorized positions to meet program requirements.

The Personnel Services budget allotment is \$2,039,000, which includes salaries and benefits. The Budget slightly increased from \$1,975,000 over last fiscal year (FY2016-17). The increases are normal and account for annual salary and benefit adjustments.

The Operating Expenses and Equipment (OE&E) budget allotment is \$3,043,000, which includes all operating expenses, i.e., office supplies, travel, facilities, departmental prorated, attorney general, etc. The Budget decreased by 8% from \$3,300,000 over FY2016-17. Various line items decreased as part of the normal budget process. However, the most significant decrease was in the Department of Investigations services (DOI) budget from \$1,044,000 to \$757,000, a 27% decrease from last fiscal year (FY2016-17).

In addition, effective, July 1, 2017, the DCA migrated to a new integrated accounting system, Fi\$cal. The Fi\$Cal system would combine accounting, budgeting, cash management, and procurement operations into a single financial management system, eliminating state departments' legacy systems that support the internal financial management operations state-wide.

Analysis:Expenditures

The PTBC had \$1,012,502 in Personnel Services costs and \$1,108,878 in Operating Expenses & Equipment (OE&E), a total of \$2,121,380 expenditures (as of 12/31/17). The PTBC's expenditures for the same period, last fiscal year (FY2016-17) were \$977,753 in Personnel Services and \$1,084,426 in OE&E, totaling \$2,062,179 (as of 12/31/16). The PTBC's program costs increased by \$59,201 (2.87%) over FY2016-17.

Overall, the PTBC budget staff is not projecting major changes in expenditures this year. However, staff anticipates a slight increase in personnel services, specifically within the "Temp Help" expenditures, to accommodate the increased staffing resources to address workload backlogs within its application and administrative services.

Revenues

The PTBC received 1,415 applications for exam/licensure and 7,752 applications for renewal this year (as of 12/31/17). During the same period, last fiscal year (FY2016-17), the PTBC received 1,339 applications for exam/licensure and 7,265 renewals, generating \$3,062,327 in collected revenues. Based on the application increase alone, staff projects this year's revenue to increase by approximately 6% year-to-date over FY2016-17 (as of 12/31/17).

Action Requested:

No action being requested.



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Briefing Paper

Date: February 22, 2018

Prepared for: PTBC Members

Prepared by: Alycia Miller

Subject: Outreach Report

Purpose:

To provide PTBC’s Outreach activities and statistics for Oct – Dec (Q2), CY 2017-18.

Attachments: 1. [Website Statistics](#)
2. [Facebook Statistics](#)

Background:

The PTBC Outreach Report is a quarterly review of the Web-site and Facebook activities and analysis of those activities for the current fiscal year in comparison to the previous fiscal year. The web-site statistics is collected from Google Analytics and Facebook statistics is collected directly from the Facebook “insight reports” on a quarterly basis: Jul -Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr- Jun (Q4).

Analysis:

Website

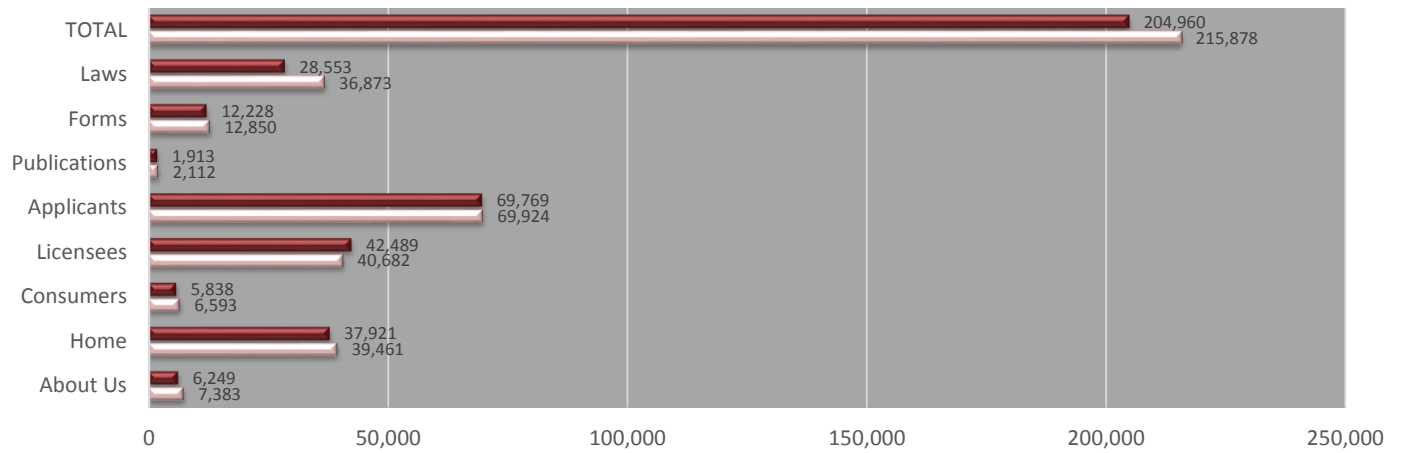
The PTBC had 204,960 people access (web-hits) through its web-site home-page tabs (Home, Consumers, Licensees, Applicants, Publications, Forms and Laws). The “Licensees” tab had a slight increase of 4%. All other tabs had slight decreases in web-hits, with the “Laws” tab having the most significant decrease of 23%. Overall, the number of web-hits for the quarter (Q2) decreased by 5% and by 1% year-to-date (YTD) over last fiscal year (FY2016-17).

Facebook

The PTBC had 18,444 people access (traffic) its Facebook page and receive 76 “likes”. The PTBC received 21% more “Likes” over FY2016-17 (Q2). The other areas being monitored had decreased, with the ‘Talked About” having the most significant decrease of 98%. This statistic accounts for the number of people spreading PTBC’s web-site content, i.e., comments, stories, posts, etc. Overall, the traffic decreased by 60% for the quarter (Q2) and by 11% year-to-date (YTD) over last fiscal year (FY 2016-17).

Action: No action requested.

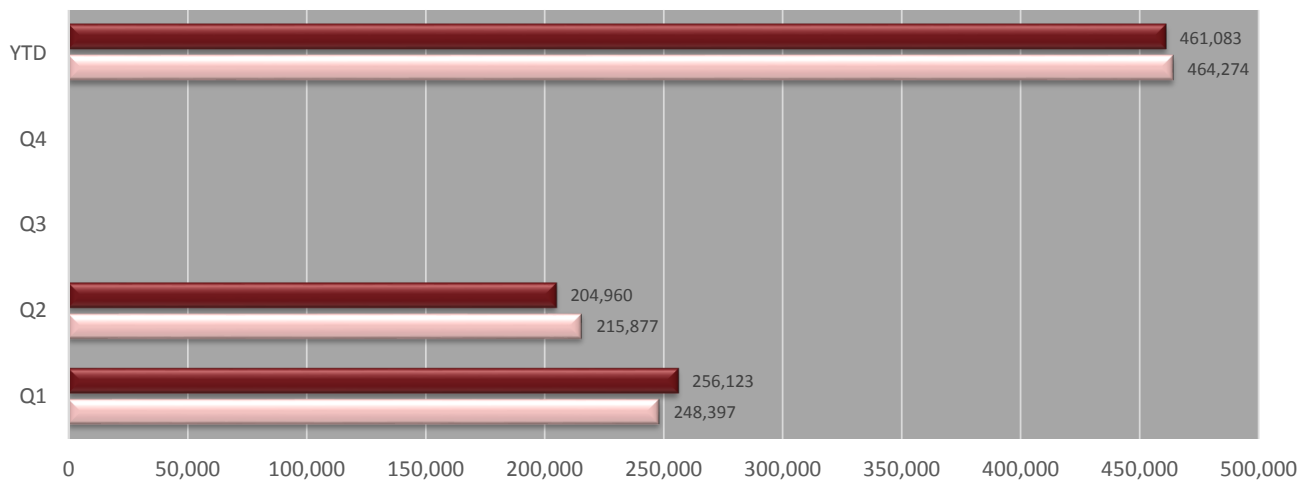
Website Activity (Quarterly)



	About Us	Home	Consumers	Licensees	Applicants	Publications	Forms	Laws	TOTAL
■ CY 2017/18	6,249	37,921	5,838	42,489	69,769	1,913	12,228	28,553	204,960
■ FY 2016/17	7,383	39,461	6,593	40,682	69,924	2,112	12,850	36,873	215,878

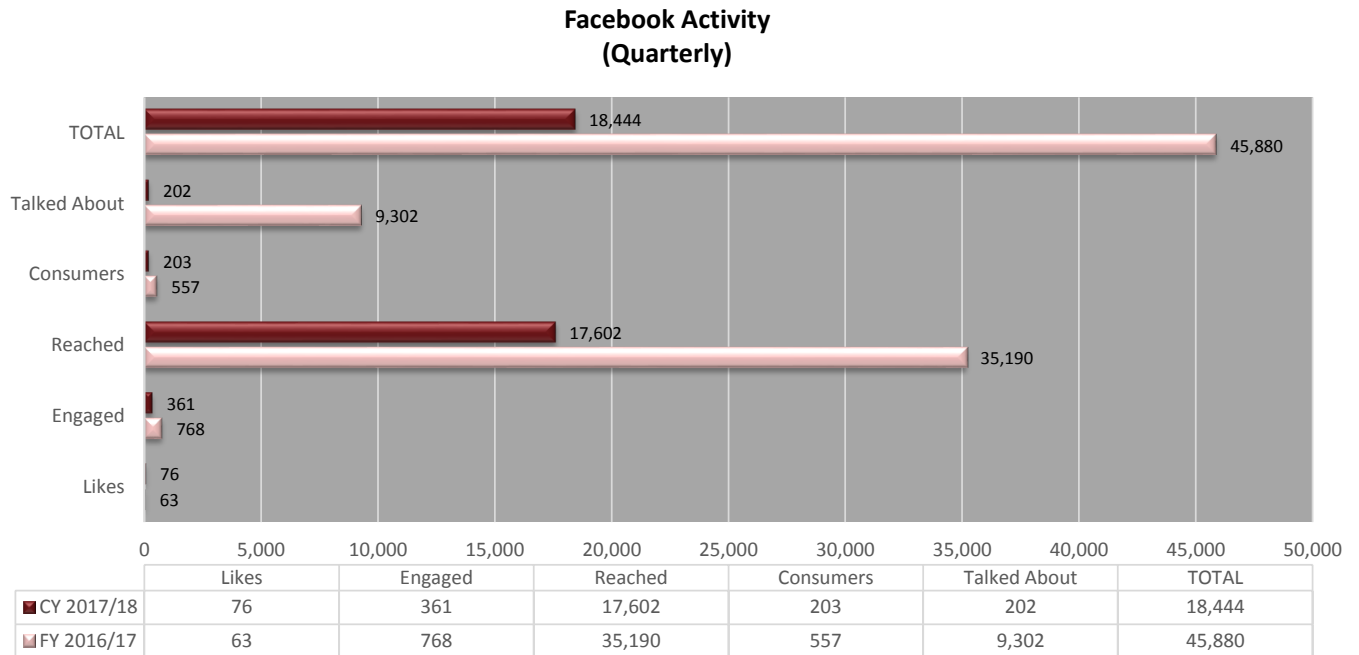
The graph reveals a 5% decrease in web hits over previous fiscal year (Q2).

Website Activity (Year-to-date)

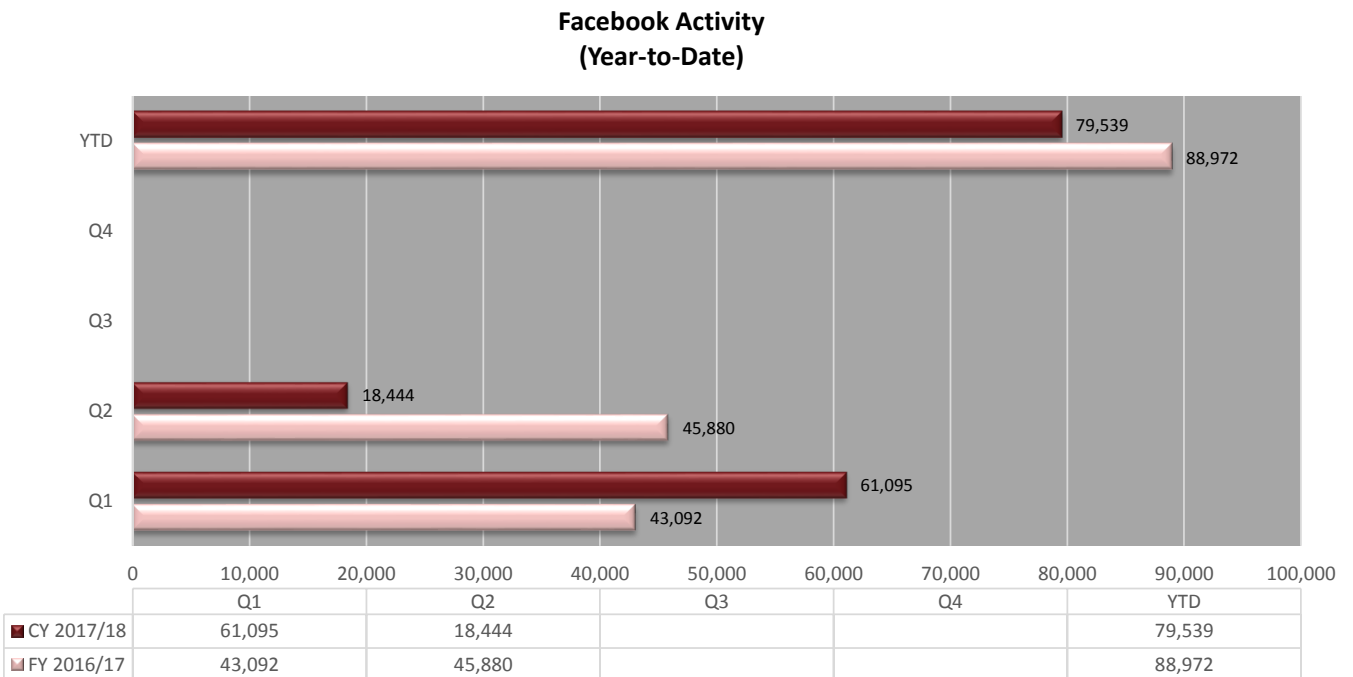


	Q1	Q2	Q3	Q4	YTD
■ CY 2017/18	256,123	204,960			461,083
■ FY 2016/17	248,397	215,877			464,274

The graph reveals a 1% decrease in website hits over previous fiscal year (year-to-date).



The graph reveals a 60% decrease in traffic over previous fiscal year (Q2).



The graph reveals a 11% decrease in traffic over previous fiscal year (year-to-date).



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Briefing Paper

Date: 2/22/18
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: Application Services Report

Purpose:

To provide an update on the most recent activities and state of the Application Services program.

Attachments: 1. [Application Services Program Statistics](#)
2. [Examination Statistics](#)

Update:

As you can see in this report, and as previous reports have illustrated, the number of licensure applications submitted to the PTBC is continuously increasing. These increases, among other things, have compelled not just creative use of existing resources and minor process adjustments, but taking greater action to increase resources and increase process efficiencies. The Application Services program can no longer sustain its workload without significant active change in these areas.

The action that is currently most accessible to the PTBC is to increase process efficiency. Work is underway to streamline examination eligibility, provide clear application instruction and process information, and get the information out to future applicants. These changes will be addressed in detail in the application process presentation that will be delivered at this meeting.

Action Requested:

None.

Application Services Report - Program Statistics

Applications Received

	Fiscal Year 2016/17						Fiscal Year 2017/18						Year → Year Change						
	Q1		Q2		Q3		Q4		YTD through Q2										
	Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun	Jul	Sep		Oct		Dec	Jan	Mar	Apr	Jun	
PT	484		290						774		506		373				879		↑ 14%
NAPT	75		79						154		39		38				77		↓ -50%
PTA	139		228						367		169		248				417		↑ 14%
NAPTA	18		20						38		15		21				36		↓ -5%
E-PTA	2		4						6		3		3				6		⇒ 0%
Total	718		621						1339		732		683				1415		↑ 6%

Licenses Issued

	Fiscal Year 2016/17						Fiscal Year 2017/18						Year → Year Change						
	Q1		Q2		Q3		Q4		YTD through Q2										
	Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun	Jul	Sep		Oct		Dec	Jan	Mar	Apr	Jun	
PT	630		480						1110		634		459				1093		↓ -2%
PTA	184		159						343		212		98				310		↓ -10%
Total	814		639						1453		846		557				1403		↓ -3%

PT - Graduate of an accredited physical therapist program located in the U.S.

NAPT - Graduate of a non-accredited physical therapist program located outside the U.S. applying for PT licensure

PTA - Graduate of an accredited physical therapist assistant program located in the U.S.

NAPTA - Graduate of a non-accredited physical therapist program located outside the U.S. applying for PTA licensure

E-PTA - PTA applicant with training and experience equivalent to that obtained in an accredited PTA program

Application Services Report - Examination Statistics

National PT and PTA Examination - California Statistics

Accredited PT Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	371	246			617	375	237			612	↓ -1%
Fail	29	44			73	36	42			78	↑ 7%
Total	400	290			690	411	279			690	⇒ 0%
Pass Rate	93%	85%			89%	91%	85%			89%	⇒ 0%

Non Accredited PT Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	9	15			24	15	8			23	↓ -4%
Fail	24	35			59	20	33			53	↓ -10%
Total	33	50			83	35	41			76	↓ -8%
Pass Rate	27%	30%			29%	43%	20%			30%	↑ 1%

Accredited PTA Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	181	71			252	187	45			232	↓ -8%
Fail	48	36			84	37	29			66	↓ -21%
Total	229	107			336	224	74			298	↓ -11%
Pass Rate	79%	66%			75%	83%	61%			78%	↑ 3%

Non Accredited PTA Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	2	8			10	5	7			12	↑ 20%
Fail	11	15			26	7	5			12	↓ -54%
Total	13	23			36	12	12			24	↓ -33%
Pass Rate	15%	35%			28%	42%	58%			50%	↑ 22%

California Law Examination (CLE)

Accredited Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	893	503			1,396	692	525			1,217	↓ -13%
Fail	433	270			703	252	211			463	↓ -34%
Total	1,326	773			2,099	944	757			1,701	↓ -19%
Pass Rate	67%	65%			67%	73%	69%			72%	↑ 5%

Physical Therapy Board of California
 Application Services Report
 Fiscal Year 2017/18 Q2

Non Accredited Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	71	55			126	44	45			89	↓-29%
Fail	48	53			101	41	39			80	↓-21%
Total	119	108			227	85	84			169	↓-26%
Pass Rate	60%	51%			56%	82%	54%			53%	↓-3%

National PT and PTA Examination - National Statistics											
Accredited PT Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	4,980	1,452			6,432	4,870	1,601			6,471	↑1%
Fail	451	398			849	511	356			867	↑2%
Total	5,431	1,850			7,281	5,381	1,957			7,338	↑1%
Pass Rate	92%	78%			88%	91%	82%			88%	⇒0%

Non Accredited PT Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	346	301			647	267	213			480	↓-26%
Fail	548	676			1,224	570	754			1,324	↑8%
Total	894	977			1,871	837	967			1,804	↓-4%
Pass Rate	39%	31%			35%	32%	22%			27%	↓-8%

Accredited PTA Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	3,252	1,444			4,696	3,200	1,552			4,752	↑1%
Fail	681	606			1,287	628	455			1,083	↓-16%
Total	3,933	2,050			5,983	3,828	2,007			5,835	↓-2%
Pass Rate	83%	70%			78%	84%	77%			81%	↑3%

Non Accredited PTA Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	75	102			177	85	96			181	↑2%
Fail	75	82			157	84	74			158	↑1%
Total	150	184			334	169	170			339	↑1%
Pass Rate	50%	55%			53%	50%	56%			53%	⇒0%

Physical Therapy Board of California
 Application Services Report
 Fiscal Year 2017/18 Q2

Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	2,262	1,290			3,552	2,003	1,334			3,337	↓ -6%
Fail	697	450			1,147	426	390			816	↓ -29%
Total	2,959	1,740			4,699	2,429	1,724			4,153	↓ -12%
Pass Rate	76%	74%			76%	82%	77%			80%	↑ 4%

Non Accredited Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	145	120			265	86	89			175	↓ -34%
Fail	74	82			156	63	60			123	↓ -21%
Total	219	202			421	149	149			298	↓ -29%
Pass Rate	66%	59%			63%	58%	60%			59%	↓ -4%



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Briefing Paper

Date: 2/22/18
Prepared for: PTBC Members
Prepared by: Sarah Conley
Subject: License Maintenance Report

Purpose:

To provide an update on the most recent activities and the state of the License Maintenance program.

Attachments: [License Maintenance Statistics](#)

Update:

The overall number of Active licenses has increased 4% since last year, and the overall number of Inactive licenses has decreased 9% since last year. The number of Retired licenses continues to rise with a 70% increase over last year.

The number of license renewals has increased; however, though not shown in the statistics, the number of renewal payments the PTBC processes in-house has decreased significantly since the implementation of Breeze and online renewal. The PTBC currently processes approximately 1% of license renewal payments. For July 1, 2017-December 1, 2017 (FY 2017/18 Q1 & Q2), 80% of renewals were submitted online, and the remaining 19% of renewals were processed by DCA.

Action Requested:

None.

License Maintenance Services Report - Program Statistics

Active License Status

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
PT	24216	24664	24926			24926	↑ 3%
PTA	6231	6562	6596			6596	↑ 6%
Total	30447	31226	31522			31522	↑ 4%

Inactive License Status

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
PT	1320	1255	1210			1210	↓ -8%
PTA	360	335	317			317	↓ -12%
Total	1680	1590	1527			1527	↓ -9%

Retired License Status

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
PT/PTA	149	217	254			254	↑ 70%

Active Specialty Certifications

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
KEMG	28	28	28			28	⇒ 0%
ENMG	22	19	19			19	↓ -14%
Total	50	47	47			47	↓ -6%

Transactions Processed

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Renewals	7265	3999	3753			7752	↑ 7%
Addresses	2570	1273	1090			2363	↓ -8%
Names	204	123	147			270	↑ 32%
Duplicates	198	122	75			197	↓ -1%
Verifications	538	303	305			608	↑ 13%
Total	10775	5820	5370			11190	↑ 4%



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Briefing Paper

Date: February 22, 2018
Prepared for: PTBC Members
Prepared by: Veronica Gutierrez, Yasha Crutcher
Subject: Continuing Competency Services Report

Purpose:

To provide an update on the most recent activities and state of the Continuing Competency Services program.

Attachments: [Continuing Competency Audit Statistics](#)

Background:

Licensees are required to certify at the time of renewal that they complied with the continuing competency requirement for renewal set forth in Business and Professions Code section 2649. To ensure compliance, the PTBC is mandated to conduct random continuing competency audits. Audit samples are collected quarterly in keeping with the PTBC's overall statistical record keeping and reporting standard. The audit sample is pulled at the beginning of a quarter for licensees who renewed in the previous quarter. Audits are conducted, then the results are reported the following quarter. The whole audit process from sample collection to reporting results runs six months or two fiscal year quarters. Please note, however, this does not mean each audit takes six months to complete.

Update:

A total of 146 physical therapists and 45 physical therapist assistants were selected for audit for FY 2017/18 Q1 (July-Sept). Staff continues to work on these audits, so data available thus far has been included, but pass rates will be reported at the next meeting.

Although every effort is made to complete audits by the end of the audit quarter, audits can extend into the following quarter. For this reason, the statistics that were previously reported have been updated to capture the audits that remained outstanding at the time the data was reported.

Action Requested:

None.

Physical Therapy Board of California
 Continuing Competency Report
 Fiscal Year 2017/18 Q1

Continuing Competency Audit Statistics

Physical Therapist

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass			136	97	233	129					
Fail			10	12	22	10					
Pending			0	0	0	7					
Total			146	109	255	146					
Pass Rate			93%	88%	91%	Pending					

Physical Therapist Assistant

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass			37	27	64	15					
Fail			2	3	5	0					
Pending			0	0	0	30					
Total			39	30	69	45					
Pass Rate			95%	90%	93%	Pending					

Approval Agencies and Courses

Approval Agencies	135
Courses	14,424



Physical Therapy Board of California

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Physical Therapy Board of California

Consumer Protection Services Program

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Briefing Paper

Date: February 21, 2018

Prepared for: PTBC Members

Prepared by: Cristy Livramento

Subject: Consumer Protection Services Program (CPS)

Purpose: Update on Consumer Protection Services Program

Attachments: (1) FY 2017/18 Quarter 2 (October – December 2017) Enforcement Performance Measures (PM)
 (2) FY 2017/18 Quarter 2 (October – December 2017) Consumer Protection Services Report
 (3) FY 2017/18 Quarter 2 (October – December 2017) - Disciplinary Summary

Attachment 1: FY 2017-2018/Q2 - Enforcement Performance Measures

The Enforcement Performance Measures report is reported on the DCA's public website on a quarterly basis and is used by all DCA organizations to provide the public its Performance Measures. http://www.dca.ca.gov/about_dca/enforcement.shtml

PM Report for FY 2017-2018 is prepared by the Department and is not currently available. The Department hopes to have a report available for the next board meeting.

Attachment 2: FY 2017-2018/Q2 - Consumer Protection Services Report

The CPS report provides detailed data in certain areas of the enforcement program and includes year end statistics in comparison to last FY.

For FY 2017/2018, Q2, 118 total complaint cases were closed within the PM3 target of 90 days, which is up 5% compared to this time of last fiscal year.

For FY 2017/2018T, Q2, the average number of days to complete an enforcement case which was transmitted to the AG's office for formal discipline increased, which includes the Board investigation and the AG process. This reflects an increase of 11% compared to this time of last fiscal year. This is likely because complaint cases transmitted to the AG's office required lengthy in-house investigations.

Attachment 3: FY 2017-2018/Q2 – Disciplinary Summary List

Disciplinary Summary of formal discipline and citations issued. Disciplinary actions are of public record and are available through the DCA License Search. <https://search.dca.ca.gov/>

Action Requested: No Action Required

Agenda Item 25 – Consumer Protection Services

Report Not Available from the Department of Consumer Affairs at the Time Board Meeting Materials Were Submitted

Consumer Protection Services Statistics Report

Complaint Intake							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM1: Complaints Received	288	127	104			231	↓ -20%
PM1: Convictions/Arrest Received	205	27	74			101	↓ -51%
PM1: Total Received	493	154	178			332	↓ -33%

Intake							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	4	3	2			2.5	↓ -38%

Investigations							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	109	126	59			93	↓ -15%
PM3a: Intake Only	2	2	2			2	→ 0%
PM3b: Investigation Only	102	112	57			85	↓ -17%
PM3c: Post Investigation Only	4	4	2			3	↓ -25%

Investigations Aging							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	73%	97	118			78%	↑ 5%
91 - 180 Days	10%	17	12			11%	↑ 1%
181 Days - 1 Year (364)	9%	12	4			6%	↓ -3%
1 to 2 Years (365-730)	5%	5	4			3%	↓ -2%
2 to 3 Years (731- 1092)	2%	2	0			1%	↓ -1%
Over 3 Years (1093 +)	1%	3	0			1%	↑ 0%

Citations							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	19	5	0			5	↓ -74%
Average Days to Close	435	145	0			72.5	↓ -83%

Transmittals to Attorney General (AG)							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM4: AG Cases	547	458	760			609	↑ 11%
PM4a: Intake Only	2	2	6			4	↑ 100%
PM4b: Investigation Only	192	136	377			257	↑ 34%
PM4c: Pre-AG Transmittal	2	12	1			7	↑ 225%
PM4d: Post-AG Transmittal	354	315	380			348	↓ -2%

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	18	3	2			5	↓ -72%
AG Cases Pending	14	33	25			25	↑ 79%
SOIs Filed	2	4	2			6	↑ 200%
Accusations Filed	8	8	3			11	↑ 38%

AG Transmittals							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	15	13	12			25	↑ 67%
Total Average Days to Complete	547	458	760			609.0	↑ 11%

Total Orders Aging/Final Decision							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	0%	0	0			0%	⇒ 0%
91 - 180 Days	5%	0	1			4%	↓ -1%
181 Days - 1 Year (364)	20%	3	2			20%	⇒ 0%
1 to 2 Years (365-730)	47%	9	5			56%	↑ 9%
2 to 3 Years (731- 1092)	14%	1	1			8%	↓ -6%
Over 3 Years (1093 +)	13%	0	3			12%	↓ -1%

Other Legal Actions							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension or PC 23 Ordered	1	0	1			1	⇒ 0%

Disciplinary Summary

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of October, November, & December 2017. The Decisions become operative on the Effective Date, with the exception of situations where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions, which are negotiated settlements waiving court appeals.

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

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

.....
October 2017

(NONE)

November 2017

SAY, GODFREY CHAN (PT 29283)

Violation of B & P Codes: 2605, 2620.7(a), 2660(a), 2660(d), 2660(g), 2660(h), 2660(j), 2660(r), and 2660(s).
Violation of CCR: 1398.13. Stipulated Settlement and Disciplinary Order Effective 11/08/17, 4 Yrs. Prob.

December 2017

CAIN, MICHAEL M. (PT 35387)

Violation of B & P Codes: 2261, 2620.7(a), 2660(a), 2660(g), 2660(h), 2660(j), 2660(r), and 2660(s).
Stipulated Settlement and Disciplinary Order Effective 12/20/17, 5 Yrs. Prob.

CARROLL, RONALD BRUCE (PT 19670)

Violation of B & P Codes: 2605, 2660, 2660(e), and 2661. Violation of CCR: 1399.20 (a) and (c). Default Decision and Order Effective 12/22/17, License Revoked.

JARVIS, TARA KATHLEEN (PTA 1969)

Violation of B & P Codes: 490(a), 490(c), 2660(a), 2660(e), and 2661. Violation of CCR: 1398.6(a), 1398.6(b), and 1399.24(d). Default Decision and Order Effective 12/07/17, License Revoked.

MANZANO, MIGUEL ADRIAN WIJANGCO (PTA 49064)

Violation of B & P Codes: 480(a)(1), 480(a)(3), 2239(a), 2660(a), 2660(e), 2660.2, and 2661. Violation of CCR: 1399.20 and 1399.21. Stipulated Settlement and Disciplinary Order Effective 12/29/17, 5 Yrs. Prob.

VANDERBILT JR., JOHN J. (PT 24958)

Violation of B & P Codes: 725, 2234(b), 2234(c), 2620.7, 2630.4, 2660(a), 2660(g), 2660(h), and 2660(s).
Violation of CCR: 1398.11, 1398.13, and 1398.85. Stipulated Settlement and Disciplinary Order Effective 12/21/17, 3 Yrs. Prob.

Initial Probationary Licenses (IPL) Issued

October through December 2017

(NONE)

Licenses Denied

October 2017

DULANEY, TREY JUSTIN (APPLICANT)
License Denied 10/06/17

November 2017

(NONE)

December 2017

MAI, KEVIN VUONG (APPLICANT)
License Denied 12/11/17

Glossary of Terms

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

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

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

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

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

Surrender of License: License surrender as part of a disciplinary order.

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

Stipulated Decision: Negotiated settlements waiving court appeals.



Physical Therapy Board of California

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

Physical Therapy Board of California

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Briefing Paper

Date: February 26, 2018

Prepared for: PTBC Members

Prepared by: Monny Martin, PTBC Probation Monitor

Subject: Probation Monitoring Program

Purpose: Update on Probation Monitoring Program for FY 2017-2018

Attachments: [Probation Monitoring Report \(A-1\)](#)

Background:

This is a report on the Board’s Probation Monitoring Program through the second quarter of FY 2017-2018. Please refer to attachment A-1 which contains the probation statistics for FY 2017-2018.

Currently there are 89 licensees on probation for various causes from Driving Under the Influence to Sexual Misconduct. Besides the 79 licensees on probation and in the state of California, there are an additional 10 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were also 7 licensees that completed probation in the quarter, and 1 licensee who violated their probation in the quarter.

Of the 79 licensees that are not currently tolling, 20 are currently enrolled and participating in the Board’s Drug and Alcohol Recovery Monitoring Program, equaling 25% of all licensees on probation that aren’t tolling.

Action Requested:

No Action Required.

Probation Statistics Report

Probation							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Probationer	12	4	3			7	↓ -42%
Completed Probation	14	2	7			9	↓ -36%
Probation Terminated/Surrendered	4	1	0			1	↓ -75%
Non-Compliant w/Probation	0	0	1			1	↑ 100%
Total Probationers	104	93	89			89	↓ -14%

Maximus							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Maximus	11	2	0			2	↓ -82%
Completed Maximus	3	0	1			1	↓ -67%
Total Maximus Participants	20	22	22			22	↑ 10%
Determined To Be Clinically Inappropriate		0	1				