



**PHYSICAL THERAPY**  
BOARD OF CALIFORNIA

**March 24, 2022**  
**BOARD MEETING**

Department of Consumer Affairs  
(Webex)

# PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St., Suite 2600, Sacramento, California 95815

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

[www.ptbc.ca.gov](http://www.ptbc.ca.gov)

## PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

March 24, 2022 9 a.m.

Department of Consumer Affairs  
(Webex)

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 via a teleconference platform. THE PUBLIC IS ENCOURAGED TO ATTEND. Please refer to the instructions attached to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

## BOARD MEMBERS

Alicia K. Rabena-Amen, P.T., DPT, *President*  
Katarina Eleby, M.A., *Vice President*  
Dayle C. Armstrong, Ph.D., P.T., M.S., DPT, *Member*  
Jesus Dominguez, P.T., Ph.D., *Member*  
Daniel Drummer, P.T., DPT, *Member*  
Johnathon Ervin, *Member*  
Tonia McMillian, *Member*

## BOARD STAFF

Jason Kaiser, *Executive Officer*  
Elsa Ybarra, *Assistant Executive Officer*  
Liz Constancio, *Manager*  
Sarah Conley, *Manager*  
Brooke Arneson, *Executive Analyst*

## MISSION

To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

## VISION

The standard for consumer protection in physical therapy.



## **BOARD MEETING AGENDA**

### **PUBLIC TELECONFERENCE MEETING**

**March 24, 2022**

**NOTE:** Pursuant to Governor Gavin Newsom's Executive Order N-1-22, issued January 5, 2022, and the provisions of Government Code section 11133, a physical meeting location is not being provided.

**Important Notices to the Public:** The Physical Therapy Board will hold a public meeting via a teleconference platform.

**INSTRUCTIONS FOR PARTICIPATION:** Please see the instructions attached hereto to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

For all those who wish to participate or observe the meeting on Thursday, March 24, 2021, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

If joining by computer:

Event address for attendees: <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m7c9ca36ab6663bae5f0564edd013e040>

Event number: 2483 705 3209

Event password: PTB03242022

If joining by audio conference (phone):  
Call, +1-415-655-0001 (US toll)  
Enter Access code: 248 370 53209, followed by #  
Enter password: 78203242, followed by #

As an alternative, members of the public who wish to observe the meeting on March 24, 2021 without making public comment can do so (provided no unforeseen technical difficulties) at:  
<https://thedcapage.wordpress.com/webcasts/>

Public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to “yield” their allotted time to other members of the public to make comments.

### **Agenda – Thursday, March 24th**

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

1. **Call to Order - 9:00 a.m.**
2. **Roll Call** and Establishment of Quorum
3. **Reading of the Board’s Mission Statement**
4. **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).)*
5. **Review and Approval of September 16, 2021, Meeting Minutes** –  
*Brooke Arneson*
6. **Review and Approval of October 15, 2021, Meeting Minutes** – *Brooke Arneson*
7. **Review and Approval of November 4, 2021, Meeting Minutes** – *Brooke Arneson*
8. **Update on Sunset Review Report Pursuant to BPC Section 2602** –  
*Jason Kaiser*

9. **President's Report** – *Alicia Rabena-Amen*
  - (A) [2022 Adopted Meeting Calendar](#)
  - (B) [2023 Proposed Meeting Calendar](#)
10. **Executive Officer's Report** – *Jason Kaiser*
  - (A) Administrative Services
    - i. Staffing
  - (B) Applications
  - (C) Licensing/Continuing Competency
  - (D) Consumer Protection Services
  - (E) Outreach
  - (F) PTBC Relocation
11. **Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs** – *Jason Kaiser*
  - (A) DCA Waiver DCA-20-01 Continuing Education
    - a. Ninth Extension DCA Waiver DCA-21-194
  - (B) DCA Waiver DCA-20-02 Reinstatement of Licensure
    - a. Fifth Extension DCA Waiver DCA-22-212
  - (C) DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
    - a. Tenth Extension DCA Waiver DCA-22-213
12. **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)
13. **Legislation Report** – *Brooke Arneson*
  - (A) [2021/22 Legislative Session Summary](#)
    - i. [AB 105 \(Holden\) The Upward Mobility Act of 2021: Boards and Commissions: Civil Service: Examinations: Classifications](#)
    - ii. [AB 107 \(Salas\) Licensure: Veterans and Military Spouses](#)
    - iii. [AB 225 \(Gray, Gallagher, & Patterson\) DCA: Boards: Veterans: Military Spouses: Licenses](#)
    - iv. [AB 305 \(Maienschein\) Veteran Services: Notice](#)
    - v. [AB 339 \(Lee & Cristina Garcia\) Local Government: Open and Public Meetings](#)
    - vi. [AB 361 \(Rivas\) Open Meetings: State and Local Agencies: Teleconferences](#)
    - vii. [AB 657 \(Cooper\) State Civil Service System: Personal Services Contracts: Professionals](#)
    - viii. [AB 1273 \(Rodriguez\) Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer](#)

- ix. SB 250 (Pan) Health Care Coverage
- x. SB 607 (Roth) Professions and Vocations
- xi. SB 731 (Durazo and Bradford) Criminal Records: Relief
- xii. AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications
- xiii. AB 1662 (Gipson) Licensing Boards: Disqualification from Licensure: Criminal Conviction
- xiv. AB 1733 (Quirk) State Bodies: Open Meetings
- xv. AB 2104 (Flora) Professions and Vocations
- xvi. AB 2600 (Dahle) State Agencies: Letters and Notices: Requirements
- xvii. AB 2636 (Berman) Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process
- xviii. SB 1031 (Ochoa Bogh) Healing Arts Boards: Inactive License Fees
- xix. SB 1237 (Newman) Licenses: Military Service
- xx. SB 1365 (Jones) Licensing Boards: Procedures
- xxi. SB 1438 (Roth) Physical Therapy Board of California Meetings: Remote Access

#### **14. Rulemaking Report – Brooke Arneson**

- (A) 2022 Rulemaking Update for Pending or Proposed Regulations (Title 16, California Code of Regulations (16 CCR)):
  - i. Status of Adopted Amendment to 16 CCR section 1399.15 – “Guidelines for Issuing Citations and Imposing Discipline,” 6th Edition, Effective April 1, 2022
  - ii. Proposed Amendments to 16 CCR section 1398.26.1 – Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
  - iii. Proposed Amendments to 16 CCR sections 1398.26.5, – Clinical Service Requirements for Foreign Educated Applicants Completing a Supervised Clinical Practice in the United States
  - iv. Status of Adopted Amendments to 16 CCR 1399.20-1399.22 – (AB 2138 implementation) Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations, Effective November 30, 2021

- v. Proposed Amendments to 16 CCR 1399.18, 1399.50 and 1399.52 – Retired License Status and Physical Therapist and Physical Therapist Assistant Fees
- vi. Section 100 – Amendment of Supervision of Physical Therapist Assistant License Applicants 1399.12 and Repeal of Article 14: Sponsored Free Health Care Events – Requirements for Exemption 1399.99.1 – 1399.99.4
- vii. Update Regarding the Development of Possible Amendments to the Board's Continuing Competency Regulations

**15. Administrative Services Quarterly Update**

- (A) Budget Report
- (B) Outreach Report

**16. Application Services Quarterly Update**

- (A) Program Updates
- (B) Statistical Reports

**17. Licensing Services Quarterly Update**

- (A) Program Updates
- (B) Statistical Reports

**18. Continuing Competency Services Quarterly Update**

- (A) Program Updates
- (B) Statistical Reports

**19. Consumer Protection Services Quarterly Update**

- (A) Program Updates
- (B) Statistical Reports

**20. Probation Monitoring Services Quarterly Update**

- (A) Program Updates
- (B) Statistical Reports

**21. DCA Regulatory Unit Presentation of Services**

**22. 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).)*



**23. Agenda Items for Future Meeting – June 23-24, 2022**  
Department of Consumer Affairs

**24. 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

**25. Adjournment**

***Informational Notes:***

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

*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](http://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 via the WebEx connection. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.*

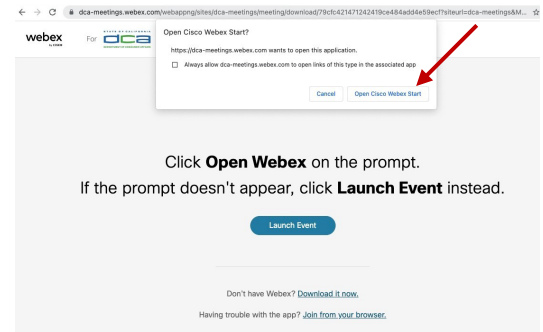
*The meeting is accessible to the disabled. A person who needs disability-related accommodation or modification to participate in the meeting may make a request by contacting Brooke Arneson at (916) 561-8260, e-mail: [brooke.arneson@dca.ca.gov](mailto:brooke.arneson@dca.ca.gov), or send a written request 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.*



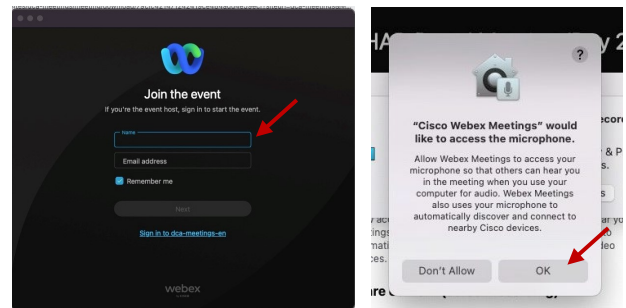
### If joining using the meeting link

1 Click on the meeting link. This can be found in the meeting notice you received.

2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click “Open Cisco Webex Start” or “Open Webex”, whichever option is presented. DO NOT click “Join from your browser”, as you will not be able to participate during the meeting.



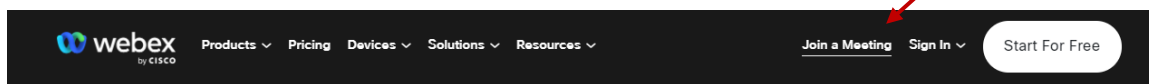
3 Enter your name and email address. Click “Join as a guest”. Accept any request for permission to use your microphone and/or camera.



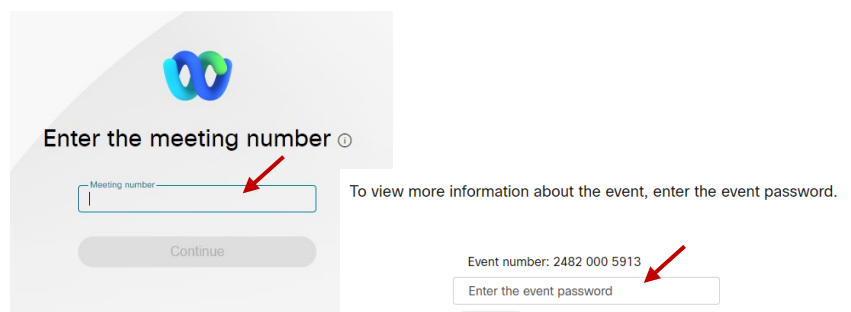
OR

### If joining from [Webex.com](https://www.webex.com)

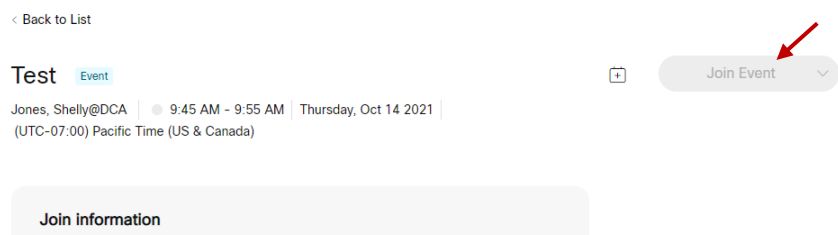
1 Click on “Join a Meeting” at the top of the Webex window.



2 Enter the meeting/event number and click “Continue”. Enter the event password and click “OK”. This can be found in the meeting notice you received.



3 The meeting information will be displayed. Click “Join Event”.



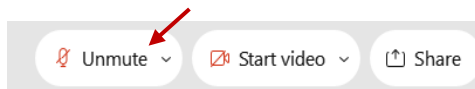
OR

### Connect via telephone:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

Microphone control (mute/unmute button) is located on the command row.

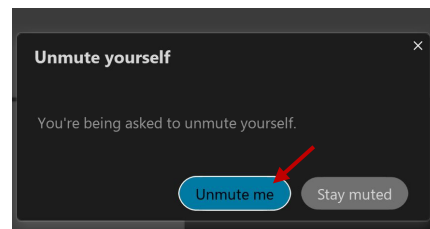


Green microphone = Unmuted: People in the meeting can hear you.



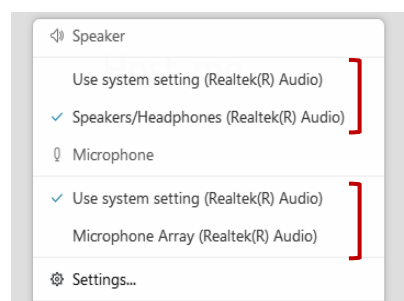
Red microphone = Muted: No one in the meeting can hear you.

*Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on “Unmute Me”.*



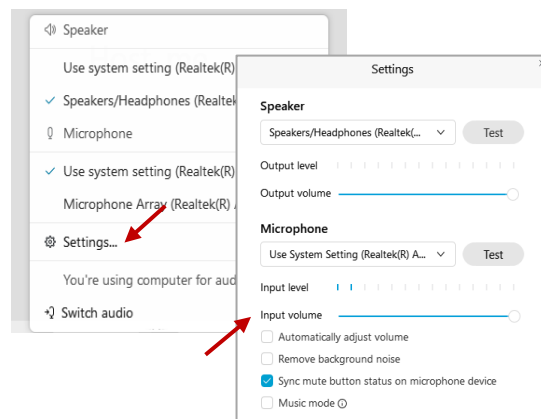
### If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
  - Microphone option if participants can't hear you.
  - Speaker option if you can't hear participants.



### If your microphone volume is too low or too high

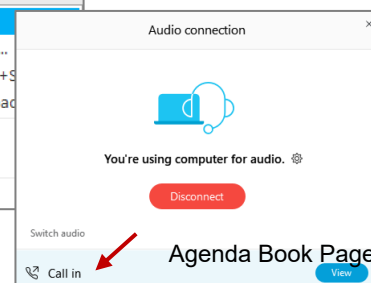
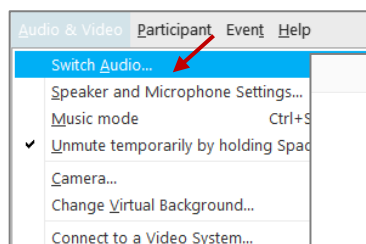
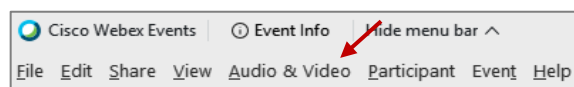
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on “Settings...”:
  - Drag the “Input Volume” located under microphone settings to adjust your volume.



### Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

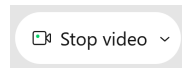
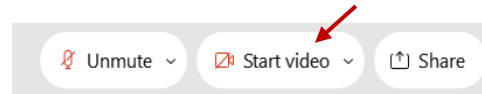
- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the directions.



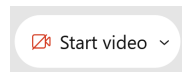
### Web Camera

Only panelists (e.g. staff, board members, presenters) can access the web camera feature.

Camera control (Start Video/Stop Video button) is located on the command row.



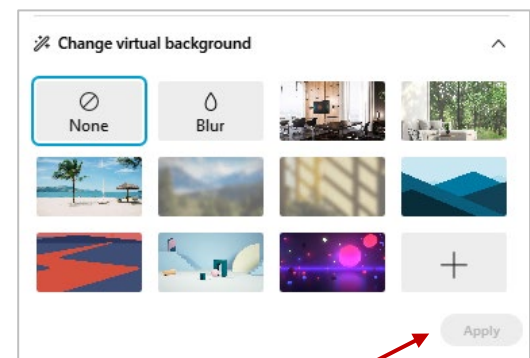
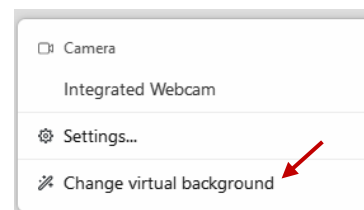
Green dot in camera = Camera is on: People in the meeting can see you.



Red dot in camera = Camera is off: No one in the meeting can see you.

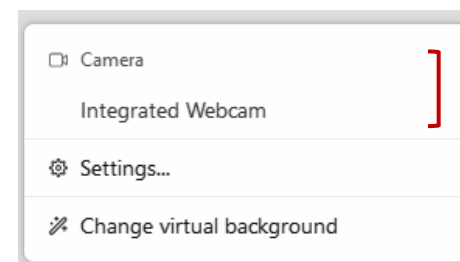
### Virtual Background

- 1 To access virtual backgrounds, click on the bottom facing arrow located on the video button.
- 2 Click on "Change Virtual Background".
- 3 From the pop-up window, click on any of the available images to display that image as your virtual background and click "Apply".



### If you cannot be seen

- 1 Locate the command row – click on the bottom facing arrow located on the video button.
- 2 From the pop-up window, select a different camera from the list.



## ROLL CALL

**Thursday,  
March 24, 2022**

	Present	Absent
Alicia Rabena-Amen, PT, DPT, President		
Tonia McMillian, Vice-President		
Dayle Armstrong, Ph.D, PT, MS, DPT		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Katarina Eleby, M.A.		
Johnathon Ervin		



1

**Board Members**

**President**

Alicia Rabena-Amen, PT, DPT

**Vice-President**

Katarina Eleby, M.A.

**Members**

Dayle C. Armstrong, Ph.D., P.T., MS, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Johnathon Ervin

Tonia McMillian

**Physical Therapy Board of California**

**DRAFT Meeting Minutes**

September 16, 2021 9:00 a.m.

Department of Consumer Affairs  
Public WebEx and Teleconference  
Platform

**Board Staff**

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Executive Analyst

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

**Thursday, September 16, 2021**

**1. Call to Order**

The Physical Therapy Board of California (Board) meeting was called to order by  
President Dr. Rabena-Amen at 9:08 a.m. and adjourned at 4:10 p.m. on  
September 16, 2021.

**2. Roll Call and Establishment of Quorum**

Armstrong - Present  
Dominguez- Present  
Drummer - Absent  
Eleby - Present  
Ervin - Present  
McMillian - Present  
Rabena-Amen - Present

All members were present with the exception of Dr. Drummer, and a quorum was  
established. Also present at the meeting were: Michael Kanotz, PTBC Legal  
Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Assistant Executive  
Officer; Brooke Arneson, Board staff, and David Bouilly, and Trisha St. Clair, DCA  
SOLID Webcast Moderators.

31

32  
33 **3. Reading of the Board's Mission Statement**  
34

35 Dr. Dominguez read the Board's mission statement: To advance and protect the  
36 interests of the people of California by the effective administration of the  
37 Physical Therapy Practice Act.  
38

39 **4. Public Comment on Items Not on the Agenda**  
40

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

45 The Board requested public comment on items not on the agenda, and there  
46 was no public comment.  
47

48 **5. Review and Approval of June 24, 2021, Meeting Minutes – Brooke Arneson**

49 Ms. Arneson presented the draft June 24, 2021, meeting minutes.  
50

51 Dr. Armstrong requested that on page 14 under Agenda Item 7(A)  
52 Administrative Services, an amendment be made to read "Ms. Pearl Her." Dr.  
53 Rabena-Amen requested that on page 15 a sentence be added to refer the  
54 members to the appropriate agenda item.  
55

56 **MOTION:** Adopt the proposed June 24, 2021, Meeting Minutes  
57 as amended.  
58

59 **M/S:** Rabena-Amen/Armstrong  
60

61 **VOTE:** Armstrong - Aye  
62 Dominguez- Aye  
63 Drummer - Absent  
64 Eleby - Aye  
65 Ervin - Aye  
66 McMillian - Aye  
67 Rabena-Amen – Aye  
68 6-0 Motion Carried  
69

70 **6. President's Report –Alicia Rabena-Amen**  
71 (A) 2021 Adopted Meeting Calendar

Mr. Kaiser reported that PTBC received the 2022 Sunset Review Report (Sunset Report) template from the Legislature and stated that two additional meetings would need to be added to the 2021 calendar in October and November to finalize and work on the Sunset Report so the report could be adopted at the December 2021 Board meeting. Mr. Kaiser stated that Sunset Report was due to the Legislature on January 5, 2022. Mr. Kaiser suggested scheduling a meeting the third week of October and the third week of November and asked members for their availability. After discussion amongst the members, a meeting on October 15, 2021, and on November 4, 2021, was added to the 2021 meeting calendar to address the Sunset Report.

**MOTION:** Add two meeting dates to the 2021 Meeting Calendar: October 15, 2021, and November 4, 2021.

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

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Absent  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
6-0 Motion Carried

Mr. Kaiser recommended leaving the December 9-10, 2021, meeting date on the calendar as a two-day meeting so that the Sunset Report could be finalized and adopted at the meeting.

(B) 2022 Proposed Meeting Calendar

Mr. Kaiser reported that a Sunset Review hearing date could be expected in late

March or during April 2022, and that the hearing date will be added to the 2022 proposed meeting calendar once confirmed.

**7. Executive Officer's Report – Jason Kaiser**  
(A) Administrative Services  
i. Staffing



111 Mr. Kaiser welcomed Monet Dyson as a member of the applications  
112 and licensing team and reported that she will be handling intake of  
113 applications for initial licensure and provide additional support to  
114 applications and licensing staff.

115  
116 Mr. Kaiser reported that the PTBC is currently recruiting for (1) Limited  
117 Term Full Time Staff Services Analyst (SSA) and (1) Limited Term Full  
118 Time Office Technician (OT) within the Application Services Unit, as  
119 well as (1) Limited Term Full Time Analyst (SSA/AGPA) to serve as  
120 the Board regulations analyst and (1) Staff Services Manager I to serve  
121 as the manager over the Consumer Protection Services Unit.

122  
123 Mr. Kaiser provided an update on the State Employees COVID-19  
124 Testing. He stated that on July 26, 2021, Governor Gavin Newsom  
125 implemented measures to encourage state employees and health care  
126 workers to get vaccinated. Mr. Kaiser added that CalHR is  
127 implementing COVID19 testing of all unvaccinated state employees  
128 working on site as an additional health and safety standard to protect  
129 the state workforce and the public we serve, and to ensure that  
130 employees critical to the continuity of state operations will be able to  
131 perform their duties. Those employees who have not provided  
132 vaccination verification to CalHR will be required to test for COVID-19  
133 weekly. The CalHR rules for COVID-19 vaccination verification and  
134 testing apply to Board and Committee/Advisory Committee members  
135 if they physically report to a DCA office and/or attend meetings in-  
136 person.

137  
138 Dr. Dominguez asked how members provide vaccination status to  
139 DCA. Mr. Kaiser stated that the Board members would be working  
140 with the Board liaison and would receive an email that will direct  
141 members to a portal where members can upload their proof of  
142 vaccination for COVID. He added that for those members who do not  
143 have proof of vaccination they would be required to be tested before  
144 being allowed to attend a Board meeting.

145  
146 (B) Applications

147 Mr. Kaiser referred members to Agenda Item 14 for a detailed Applications  
148 report.

149  
150 (C) Licensing/Continuing Competency

Mr. Kaiser referred members to Agenda Item 14 and 15 for a detailed Licensing/Continuing Competency report.

(D) Consumer Protection Services

Mr. Kaiser referred members to Agenda Item 16 for a detailed Consumer Protection Services report.

(E) Outreach

Mr. Kaiser referred members to Agenda Item 13(B) for a detailed Outreach report.

(F) PTBC Relocation

Mr. Kaiser reported that PTBC's move is about 99% complete; however, some minor logistical items that were reported at the last meeting have yet to be completed. Mr. Kaiser stated that PTBC is still waiting on equipment to implement the new phone system and that COVID-19 has certainly been a factor in the delays that PTBC is experiencing. Mr. Kaiser added that he is hopeful that he will be able to provide a final report (100%) on our relocation at the December meeting.

**8. Division of Investigation Updates and Processes**

Ms. Emily Kendrick, Northern Area Commander and Laura Sweet, Specialist, provided members with an overview and update of the Division of Investigation processes.

**9. Discussion Regarding Waivers Issued by the Director of the California Department of Consumer Affairs**

(A) DCA Waiver DCA-20-01 Continuing Education

- a. First Extension DCA Waiver DCA-20-27
- b. Second Extension DCA Waiver DCA-20-53
- c. Third Extension DCA Waiver DCA-20-69
- d. Fourth Extension DCA Waiver DCA-20-89
- e. Fifth Extension DCA Waiver DCA-21-117
- f. Sixth Extension DCA Waiver DCA-21-134
- g. Seventh Extension DCA Waiver DCA-21-152
- h. Eighth Extension DCA Waiver DCA-21-175

(B) DCA Waiver DCA-20-02 Reinstatement of Licensure

- a. First Extension DCA Waiver DCA-20-57

- 191 b. Second Extension DCA Waiver DCA-20-187  
192 (C) DCA Waiver DCA-20-09 Examination Requirement for Continued Physical  
193 Therapy Treatment  
194 a. First Extension DCA Waiver DCA-20-28  
195 b. Second Extension DCA Waiver DCA-20-46  
196 c. Third Extension DCA Waiver DCA-20-75  
197 d. Fourth Extension DCA Waiver DCA-20-95  
198 e. Fifth Extension DCA Waiver DCA-21-122  
199 f. Sixth Extension DCA Waiver DCA-21-148  
200 g. Seventh Extension DCA Waiver DCA-21-169  
201 h. Eighth Extension DCA Waiver DCA-21-189  
202 (D) DCA Waiver DCA-20-25 Extending Time to Satisfy Examination  
203 Requirements  
204 a. First Extension DCA Waiver DCA-20-66  
205 b. Second Extension DCA Waiver DCA-20-78  
206 c. Third Extension DCA Waiver DCA-21-107  
207 d. Fourth Extension DCA Waiver DCA-21-131  
208 e. Fifth Extension DCA Waiver DCA-21-155  
209 f. Sixth Extension DCA Waiver DCA-21-177  
210

211 Mr. Kaiser reported that there have been a number of extensions on the  
212 waivers issued by the Director of DCA since their implementation.  
213

214 Mr. Kaiser stated that DCA waiver DCA-21-175 is the eighth extension  
215 and specifies that if your licensed expires or has expired between March  
216 31, 2020 through September 30, 2021, your continuing competency  
217 proof will now be due by January 31, 2022.  
218

219 Mr. Kaiser reported that the examination requirement for continued  
220 physical therapy treatment is a result of AB 1000, Temporary Direct  
221 Access. He added that the law states you can see a physical therapist  
222 without the involvement of a physician or a diagnosis for 12 visits or 45  
223 days; whichever comes first. However, after you get to the point to  
224 continue treatment, the patient would be required to do an in-person  
225 examination with their physician and have their physician sign off on the  
226 plan of care for the physical therapist to continue to provide services.  
227 Mr. Kaiser added that the statute states that the examination must be an  
228 in-person examination, and through the Director's waiver, PTBC waived  
229 the in-person portion to utilize telemedicine due to the pandemic and  
230 providing better access to care. Mr. Kaiser stated that this waiver has  
231 been extended eight times and this waiver expires October 31, 2021,  
232 however PTBC is working with DCA and the Director and it could be  
233 extended further, given the opportunity. Mr. Kaiser added that the Board

234 may want to consider addressing this issue further in the Sunset Review  
235 process and amend the statute regarding the in-person examination and  
236 making it a permanent circumstance, especially with the idea of  
237 telehealth and the ability for practitioners to utilize telemedicine. Mr.  
238 Kaiser stated that the PTBC has not seen any issues or negative  
239 ramifications from this waiver.  
240

241 **10. Consumer and Professional Associations and Intergovernmental Relations**  
242 **Reports**

243 (A) Federation of State Boards of Physical Therapy (FSBPT)  
244

245 There was no representative on behalf of FSBPT.  
246

247 Dr. Dominguez stated that all FSBPT meetings this year have been held  
248 virtually and the Delegate Assembly will be held virtually and is scheduled  
249 on October 23, 2021. He added that the FSBPT meetings for 2022 will  
250 hopefully be held in-person and the Annual Meeting and Delegate  
251 Assembly is scheduled to be in Orange County, CA on October 27-29,  
252 2022.  
253

254 Dr. Dominguez reported that the FSBPT Board Member and Administrative  
255 Training is scheduled May 20-22, 2022, in-person and the Leadership  
256 Issues Forum is scheduled to be held in-person in Alexandria Virginia.  
257

258 Mr. Kaiser reported that PTBC is preparing for the Delegate Assembly  
259 coming up in October 21-23, 2022, and Dr. Armstrong and Mr. Ervin will be  
260 attending on behalf of the Board.  
261

262 Mr. Kaiser stated that there was a 3-day regulatory training course held in  
263 August 2021 and Dr. Armstrong attended. Mr. Kaiser stated he was  
264 working with FSBPT to try and have all members take this training as it is  
265 very beneficial to members in their role on the Board. Mr. Kaiser added that  
266 they will be holding these trainings virtually and in-person in 2022.  
267

268 (B) Department of Consumer Affairs (DCA) – Executive Office  
269

270 Ms. Brianna Miller with Board and Bureau Relations provided the Board  
271 with an update on behalf of DCA. Ms. Miller reported that DCA is receiving  
272 many questions about when and how boards will meet again in person and  
273 whether they can continue to meet remotely. She added that as the law  
274 and Executive Orders stand today, after September 30<sup>th</sup> all boards and  
275 committees will be required to return to in-person meetings with publicly  
276 noticed meeting locations. However, due to ongoing changes in the

277 pandemic, there is legislation pending that would extend the ability to meet  
278 remotely until January 31, 2022. Ms. Miller stated that DCA is doing all they  
279 can to assist boards and bureaus to plan safely for in-person meetings and  
280 will keep PTBC informed of any changes to meeting requirements.

281  
282 Ms. Miller reported that to combat the spread of COVID-19, and protect  
283 vulnerable communities, California is implementing enhanced safety  
284 measure for state employees and workers in healthcare settings. She  
285 added that state employees must show proof of vaccination or will be  
286 subject to regular COVID-19 testing and will be required to wear appropriate  
287 PPE. Ms. Miller stated that board and committee members are considered  
288 state employees and must follow health and safety protocols if they plan to  
289 visit a DCA location or attend an in-person meeting. She added that  
290 members must verify vaccination or follow face covering and testing  
291 protocols in accordance with that location's requirements. Ms. Miller  
292 reported that DCA's testing program is expected to roll out later this month  
293 and members will receive details and instructions when available.

294  
295 Ms. Miller reported that as it pertains to health care settings to further  
296 protect Californians and health care workers, the California Department of  
297 Public Health (CDPH) recently issued two public health orders. The first,  
298 requires workers in health care settings to be fully vaccinated or receive  
299 their second dose by September 30<sup>th</sup>. The second public health order  
300 directs hospitals skilled nursing facilities and intermediate care facilities to  
301 verify that visitors are fully vaccinated or have tested negative for COVID-  
302 19 in the prior 72 hours before indoor visits. Ms. Miller reminded licensees  
303 to thoroughly read the CDPH public health orders and regularly check their  
304 local public health department's website for additional vaccination  
305 requirements. She added that questions from licensees about the health  
306 care worker requirements can be directed to the CDPH.

307  
308 Ms. Miller stated that statewide guidance for the use of face coverings from  
309 the CDPH remains in place unless a local health jurisdiction issues a stricter  
310 health ordinance tailored for the situation in their communities. She added  
311 that many counties have revised health orders requiring face masks to be  
312 worn both vaccinated and unvaccinated individuals while indoors and DCA  
313 encourages all members and the public to visit DCA's COVID-19 website  
314 for updates and resources on the state's reopening plan, public health  
315 guidance, vaccination resources, vaccine distribution and more.

316  
317 Ms. Miller provided an update on required board member trainings and the  
318 DCA's Learning Management System (LMS). She reminded members that  
319 2021 is a mandatory sexual harassment prevention training year which

means all employees and Board members are required to take the training this year. She added that to access this training, members will use the LMS, which is DCA's training portal. Ms. Miller stated that profiles have been created for each member in the LMS and PTBC's Executive Officer has been notified of the step's members will need to take to login and access the training. She added that Board and Bureau Relations is happy to assist members with any questions or concerns members may have with using the LMS and ultimately, the LMS will be used to house member training records and may also used to sign up for other mandatory trainings.

Ms. Miller added that board members can now register for the Board Member Orientation training via the LMS, and newly appointed and reappointed board members are required to attend the Board Member Orientation training within a year of appointment or reappointment. Ms. Miller reported that the final training of 2021 will be held via WebEx on October 13<sup>th</sup> and if any members wishes to join, even as a refresher, DCA is happy to assist with registering for the training.

#### (C) California Physical Therapy Association (CPTA)

Ms. Tameka Island, Executive of Professional Affairs for the California Physical Therapy Association, presented on behalf of CPTA.

Ms. Island reported that CPTA will be hosting its hopefully final virtual Annual Conference this year on October 9-10, 2021, and that the early bird registration will end Monday, September 20, 2021, after which prices will increase by \$50.

Ms. Island reported that CPTA's 2022 Annual Conference is projected to be held in Anaheim, CA on September 24-25, 2022, and that CPTA and American Physical Therapy Association (APTA) are celebrating APTA's 100 years of service and on January 1, 2022, the CPTA will have a float in the Rose Parade.

Ms. Island thanked the Board and PTBC's Executive Officer and staff for its open door policy in regards to all communications with CPTA and stated that they have appreciated the ability to reach out with questions related to the public health emergency, public health orders and the exchange of information with the Board to provide valuable information to licensees and

students which has been especially helpful over the past couple of years and it is much appreciated.

## **11. Legislation Report**

### **(A) 2021/22 Legislative Session Summary**

Ms. Arneson presented the legislative report and provided the members with an update on how the COVID-19 pandemic has impacted the legislative calendar. Ms. Arneson referred the members to the legislative summary in the meeting materials and discussed the current status and changes to each bill since the last Board meeting as follows:

i. **AB 105 (Holden) The Upward Mobility Act of 2021: Boards and Commissions: Civil Service: Examinations: Classifications**

Ms. Arneson reported that AB 105 was recently amended in the Senate on August 31, 2021, and stated that the recent amendments expanded the bill's targeted group to include disabled populations and veterans' forces. She added that the assembly concurred with the Senate's amendments on September 8<sup>th</sup> with 58 ayes and 12 noes and on September 9<sup>th</sup> the bill went to engrossing and enrolling.

ii. **AB 107 (Salas) Licensure: Veterans and Military Spouses**

Ms. Arneson reported that AB 107 was recently amended in the Senate on September 2, 2021, and stated that the recent amendments included requiring a board to revoke a temporary license if the board finds that the temporary license holder engaged in unprofessional conduct and also they clarified the time frame for the issuance of temporary license for the Board of Professional Engineers Land Surveyors and Geologists and included additional coauthors.

Ms. Arneson stated that PTBC does have an exemption to this bill since the PTBC already has a process in place for an expedited license according to the provisions of the bill. She added that the assembly concurred with the Senate's amendments on September 9<sup>th</sup> with 77 ayes and 0 noes and the bill went to engrossing and enrolling.

iii. **AB 225 (Gray, Gallagher, & Patterson) DCA: Boards: Veterans: Military Spouses: Licenses**



Ms. Arneson reported that AB 225 failed the deadline on July 14, 2021, and became a 2-year bill which could be acted upon in January 2022.

iv. AB 305 (Maienschein) Veteran Services: Notice

Ms. Arneson reported that AB 305 was ordered to inactive on September 1, 2021, at the request of Senator Eggman which means the bill is essentially dead for this session.

v. AB 339 (Lee & Christina Garcia) Local Government: Open and Public Meetings

Ms. Arneson reported that AB 339 was amended on September 3, 2021, and the most recent amendments removed a cross reference to the United States Code and instead required local agencies to conduct meetings to consistent with any applicable language access and other non-discrimination obligations. She added that the amendment prior to this on August 25, 2021, addressed chaptering issues. Ms. Arneson stated that the Senate amendments were both concurred on September 9, 2021, with 25 ayes and 8 noes and it went to engrossing and enrolling.

vi. AB 657 (Cooper) State Civil Service System: Personal Services Contracts: Professionals

Ms. Arneson reported that AB 657 failed the deadline on July 14, 2021, and became a 2-year bill which could be acted upon in January 2022.

Dr. Rabena-Amen asked how this bill would affect the PTBC and Mr. Kaiser responded that it would affect the way PTBC hires our expert consultants. Mr. Kaiser added would it have a detrimental effect or a negative effect is hard to say with the way the language is written at this time and while it applies to expert consultants it is also applicable to essentially any contract the Board enters into which could include reports that PTBC requires for an 820 compel when PTBC hires a physician, surgeon, psychologist, or psychiatrist to provide a report on one of our licensees. Mr. Kaiser stated this bill is mostly enforcement related, however it could affect any contract work the PTBC would utilize outside of the normal employment relationships.

- 443  
444  
445  
446  
447
- vii. AB 1273 (Rodriguez) Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer

448  
449  
450  
451  
452  
453  
454  
455  
456  
457

Ms. Arneson reported that this bill was amended on September 1, 2021, and those amendments clarified that the bill does not require DCA or the State Department of Public Health to establish a mandate that an accrediting entity must provide earn and learn programs; addressed chaptering issues and specified that the provisions become operative on January 1, 2024. She added that the Senate's amendments were concurred with on September 10, 2021, with 72 ayes and 0 noes and it went to engrossing and enrolling.

- 458  
459
- viii. SB 250 (Pan) Health Care Coverage

460  
461  
462  
463

Ms. Arneson reported that AB 657 failed the deadline on July 14, 2021, and became a 2-year bill which could be acted upon in January 2022.

- 464  
465
- ix. SB 607 (Roth) Professions and Vocations

466  
467  
468  
469  
470  
471  
472  
473  
474  
475

Ms. Arneson reported that SB 607 is the Senate's omnibus bill and was recently amended and those amendments extended the sunset dates by one year for eight boards, bureaus, and councils. It also deleted the requirement for certain post-secondary education students attending BPPE approved schools to take an ability to benefit test prior to enrollment and added chaptering language to address conflicts with another bill, AB 471. She added that these amendments were concurred with 35 ayes and 0 noes and it went to engrossing and enrolling.

- 476  
477
- x. SB 731 (Durazo and Bradford) Criminal Records: Relief

478  
479  
480  
481  
482

Ms. Arneson reported that this bill as read a third time on September 2, 2021, however on September 10, 2021, it was refused passage and did not make it out of the Assembly so that bill is essentially dead.

- 483  
484  
485
- xi. Discussion and Possible Board Action on AB 361 (Rivas) Open Meetings: State and Local Agencies: Teleconferences

486 Ms. Arneson reported that this bill was recently amended, and this  
487 bill would allow the Board and local agencies to use  
488 teleconferencing without complying with certain provisions in the  
489 Bagley-Keene Open Meetings Act until January 1, 2022. Ms.  
490 Arneson added that this includes the requirement that each  
491 teleconference location be accessible to the public and that  
492 members of the public be able to address the legislative body at  
493 each teleconference location. Ms. Arneson stated that there were  
494 some additional amendments that were done in the bill recently  
495 regarding the Brown Act, and an amendment was done to add an  
496 urgency clause and it also addressed some chaptering issues that  
497 coincided with AB 339.

498  
499 Ms. Arneson pointed out that many of the executive orders that  
500 Governor Newsom issued to grant Boards flexibility to meet  
501 remotely during the pandemic will be expiring soon, meaning that  
502 these flexibilities will not apply to future emergencies and other  
503 events when meeting in person could be dangerous. Ms. Arneson  
504 added that this bill would guarantee that local and state bodies  
505 would be able to temporarily hold meetings remotely and require the  
506 opportunity for the public to join via telephone or video conferencing  
507 to ensure that all members of the public can participate safely.

508  
509 Ms. Arneson stated that PTBC staff are recommending a support  
510 position on AB 361.

511  
512 Mr. Kaiser added that as PTBC looks at the remaining 2021  
513 calendar and PTBC's ability to meet for purposes of the Board's  
514 Sunset Review, the intent is to try to get back to in-person meetings.  
515 Utilizing technology and leveraging WebEx and other online  
516 platforms is something PTBC should do and exercise discretion in  
517 doing it. Mr. Kaiser added that the author speaks to that in this bill  
518 and it is a reason why the bill has an expiration date of January 31,  
519 2022, meaning that once this pandemic comes to an end it is the  
520 intent and the will of the Legislature that PTBC gets back out into  
521 the community and meet with stakeholders in person. Mr. Kaiser  
522 stated it is important to travel and still utilize WebEx style platforms  
523 to double the PTBC's exposure. He added that the PTBC has a  
524 mandate to travel to Southern and Northern California once per year  
525 and he recommended PTBC still do that; however, it would also be  
526 nice that while PTBC holds Board meetings that are in Southern  
527 California that folks from Northern California could participate via a  
528 WebEx style platform.

**MOTION:** To adopt a position of support for AB 361 and authorize the Executive Officer to draft a letter of support to be submitted to the bill's author, the chair of the Assembly Business and Professions Committee and the Governor should the bill in its current status be enrolled.

**M/S:** Dominguez/McMillian

**VOTE:** Armstrong - Aye  
Dominguez- Aye  
Drummer - Absent  
Eleby - Aye  
Ervin - Aye  
McMillian - Aye  
Rabena-Amen – Aye  
6-0 Motion Carried

## 12. Rulemaking Report

(A) 2021 Rulemaking Update for Pending or Proposed Regulations (Title 16, California Code of Regulations (16 CCR)):

- i. Proposed Amendments to 16 CCR section 1399.15 –“Guidelines for Issuing Citations and Imposing Discipline,” 6th Edition

Ms. Arneson reported that the Disciplinary Guidelines were approved by Agency on June 30, 2021, and the Notice was filed with the Office of Administrative Law (OAL) on July 2, 2021. She added that the 45-day public comment period commenced on August 31, 2021, and there were no public comments received and no public hearing was requested so PTBC is currently working on the final rulemaking package which will be submitted to DCA Legal for their review shortly.

- ii. Proposed Amendments to 16 CCR section 1398.26.1 -- Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool

Ms. Arneson reported that PTBC staff are still working on putting together the initial phase review rulemaking package and that will be forwarded to DCA Legal soon for their initial phase review.

569 Dr. Rabena-Amen asked for clarification on where PTBC is in the  
570 rulemaking process and what needs to happen for it to go forward.  
571 Ms. Arneson responded that the initial phase review includes doing  
572 the initial statement of reasons; proposed language; Notice; and any  
573 including any documents incorporated by reference and then will  
574 need to go to DCA's Executive Unit and DCA Legal. She added that  
575 Agency now also requires additional review and this rulemaking  
576 package is in its initial stage review and is about about four steps  
577 along in the rulemaking process and has quite a bit of ways to go.  
578 Ms. Arneson stated that the rulemaking report does not show the  
579 amount of back and forth that goes on between PTBC staff and DCA  
580 Legal.

581  
582 Mr. Kaiser added that two significant regulation packages have been  
583 PTBC's focus and once those two packages that are a lot further  
584 along in the process are completed, these additional rulemaking  
585 packages will move along much more quickly.  
586

587 Dr. Rabena/Amen expressed concern about the rulemaking  
588 timelines and asked how long the Board should expect for  
589 regulations to go through. Mr. Kaiser stated that the dates are  
590 misleading and its not just the addition of the regulatory unit, but  
591 there was a reprieve of an authority we used to have when it came  
592 to approval on regulations where Agency did not require additional  
593 review however, that did create issues and now Agency is requiring  
594 approval before the language can be noticed. Mr. Kaiser stated that  
595 historically speaking regulations took one year usually to move along  
596 however that isn't occurring now with our current regulations.  
597

598 Dr. Rabena-Amen asked that DCA's Regulatory Unit at the  
599 upcoming Board meeting, give the Board a presentation on their  
600 services and regulation timelines so the Board has realistic  
601 expectations with PTBC's regulatory packages and is further  
602 educated on the process and timeframes. Members agreed with Dr.  
603 Rabena-Amen request for a presentation of services from DCA's  
604 Regulatory Unit and Mr. Kaiser stated that he would work with DCA  
605 on facilitating that request at the next meeting.  
606

- 607 iii. Proposed Amendments to 16 CCR sections 1398.21,  
608 1398.21.1, 1398.22, 1398.23, 1398.24, 1398.25, 1398.26.5,  
609 1398.27, 1398.28, 1398.47, 1399.10, 1399.12 -- Clinical Service  
610 Requirements for Foreign Educated Applicants Completing a  
611 Supervised Clinical Practice in the United States

Ms. Arneson reported that PTBC staff are still working on putting together the initial phase review rulemaking package and that will be forwarded to DCA Legal soon for their initial phase review.

- iv. Proposed Amendments to 16 CCR 1399.20-1399.22 -- (AB 2138 implementation) Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations

Ms. Arneson reported that this rulemaking package is very close to being approved by OAL. She added that the final rulemaking package was submitted to OAL for approval on June 29, 2021, and OAL has until December 9<sup>th</sup> to approve or deny the package. Ms. Arneson stated that currently PTBC staff are waiting on approval of the 399 Fiscal Impact Statement from the Department of Finance and once OAL has that the regulation will be officially amended. Ms. Arneson added that PTBC asked for a justification to OAL for it to become effective upon filing with the Secretary of State instead of having to wait until the normal processing timeline of January 1, 2022.

- v. Update Regarding the Development of a Possible Retired License Status Regulation and Fee

Ms. Arneson stated that under Agenda Item 12(C) the Board would be looking at proposed language for their consideration and further discussion and possible Board action.

- vi. Update Regarding the Development of Possible Amendments to the Board's Continuing Competency Regulations

Ms. Arneson reported that PTBC staff are in the research phase and anticipate bringing proposed language to the Board at a future meeting date.

647 **12. (C) Rulemaking Report – Discussion and Possible Board Action regarding**  
648 **License Renewal Exemption: Retired License Status Regulation – Heather**  
649 **Hoganson, Regulatory Attorney, Department of Consumer Affairs**

650 **i. Proposed Addition of regulation as 16 CCR section 1399.14.1 or**  
651 **other placement as needed – Retired License Status**

652 **ii. Proposed Amendments to 16 CCR section 1399.50 Physical**  
653 **Therapist Fees and CCR section 1399.52 Physical Therapist Assistant**  
654 **Fees regarding Establishing a Retired License Application Fee**  
655

656 Mr. Kaiser reported that new proposed language was presented for Board  
657 consideration regarding retired license status and the language had been  
658 through the second level of DCA Legal review. Mr. Kaiser stated that DCA Legal  
659 identified a few issues regarding the authoritative statute and what would be  
660 required for the Office of Administrative Law (OAL) approval. Mr. Kaiser stated  
661 that BPC 464 states that the Board shall promulgate through regulation and shall  
662 include specific requirements and the previous retired license proposed  
663 language presented to the Board did not include the same outline as the statute  
664 and was not as easily interpreted. Mr. Kaiser added that DCA Legal reviewed  
665 the proposed language and edited it to help ease the process of approval  
666 through OAL and this will prevent a delay later in the rulemaking process.  
667

668 Ms. Heather Hoganson, Regulatory Attorney at the Department of Consumer  
669 Affairs, reported that there were two new forms for Board consideration which  
670 will allow licensees to either place their licenses in retired status or restore a  
671 retired license to active status within 5 years of retirement. Ms. Hoganson  
672 added that the revised regulatory text also specifies that the application fee for  
673 retired license status will be \$100, which was determined in consultation with  
674 DCA's Budget Office based on the actual cost to process the retired application  
675 which is new compared to the previous proposed language.  
676

677 Ms. Hoganson stated that DCA Legal has revised the proposed text to mirror  
678 the enabling statute more closely and the proposed text specifies that the retired  
679 licenses do not have to meet continuing competency requirements and there is  
680 a five-year window to restore a retired license before having to submit a new  
681 initial license application which mirrors the Board's inactive license status. Ms.  
682 Hoganson added that this proposed regulatory change would create a new  
683 article 1.5 for license status regulations and DCA Legal recommended that the  
684 CCR be 1399.18 rather than the previous draft which was CCR 1399.14.1.



685  
686 Mr. Kaiser stated staff agreed with the creation of the new article which would  
687 make the code more consistent and easier to understand. Mr. Kaiser added  
688 that the changes to the proposed language are for legal compliance and the  
689 proposed language is operational and functional and allows PTBC to start  
690 issuing retired licenses again for those that need it while still recovering some  
691 of the administrative costs.

692  
693 Mr. Kaiser stated that the proposed language also solves the issue about how  
694 long a license can be in retired license status as the language specifies that if a  
695 retired license remains in retired status for longer than five years, they would  
696 need to reapply for licensure, and if they returned to active status before the five  
697 years, they would need to pay the existing renewal fee, and attest that they have  
698 30 hours of continuing competency pursuant to the continuing competency  
699 regulations.

700  
701 Ms. Eleby asked why the application form to apply for retired status was an  
702 attestation versus submitting proof of completion of continuing competency. Mr.  
703 Kaiser responded that it is similar to the renewal process where PTBC asks a  
704 licensee, when they return to active status, to attest under penalty of perjury,  
705 that they have completed their continuing competency but do not need to  
706 provide it unless it is asked for. Mr. Kaiser added that this was for ease of use  
707 and to get the licensee back into the profession and not create an unnecessary  
708 barrier to licensure. Mr. Kaiser added that when PTBC returns to doing  
709 continuing competency audits, retired licensees returning to active status could  
710 be audited at a higher percentage level to ensure compliance if need be.

711  
712 Mr. Kaiser added that the information on the forms would be incorporated by  
713 reference and that the forms design would change so they were consistent with  
714 other PTBC forms. Mr. Kaiser stated that PTBC staff also recommends the  
715 motion to proceed with the proposed language and incorporate the forms by  
716 reference.

717  
718 **MOTION:** Approve the proposed regulatory changes and direct  
719 the Executive Officer to take all steps necessary to  
720 reinstate the rulemaking process and authorize the  
721 Executive Officer to make any technical or non-  
722 substantive changes to the rulemaking package, notice

723 the proposed text for a 45-day comment period and if  
724 no adverse comments are received, and no hearing is  
725 requested, adopt the proposed regulatory changes and  
726 delegate to the Executive Officer the completion of the  
727 rulemaking file.

728  
729 **M/S:** Rabena-Amen/Armstrong

730  
731 **VOTE:** Armstrong- Aye  
732 Dominguez- Aye  
733 Drummer – Absent  
734 Eleby – Aye  
735 Ervin – Aye  
736 McMillian – Aye  
737 Rabena-Amen - Aye  
738 6-0 Motion carried  
739

740 **13. Administrative Services Quarterly Update**  
741 (A) Budget Report  
742

743 Mr. Kenneth Meiss, PTBC's budget analyst presented the Budget Report  
744 and reported that on June 29, 2020, the PTBC was required to allocate one  
745 full-time position (applications analyst) to the Contact Tracing Program and  
746 the Contact Tracing Program ended on June 30, 2021. Mr. Meiss added  
747 that the PTBC has expended \$104,112 in labor costs allocated to the  
748 Contact Tracing Program.

749  
750 Dr. Rabena-Amen asked if the salary for the contact tracing position was a  
751 set salary by DCA or did all those allocated to the contact tracing program  
752 get paid the same salary. Mr. Meiss responded that DCA Budget's Office  
753 has a matrix on how these costs are determined. Mr. Kaiser added that in  
754 the beginning of the pandemic, PTBC was asked to provide either an SSA  
755 or AGPA employee to the Contact Tracing Program and the mandate was  
756 5% of PTBC's existing staff; however, because PTBC has a relatively small  
757 staff, it was only necessary to redirect one employee to the Contact Tracing  
758 Program. Mr. Meiss added that there is the potential that PTBC may  
759 possibly get those costs reimbursed at the close of the Contact Tracing  
760 Program.  
761

Mr. Meiss reported that PTBC expended a total of \$1,355,808 in Q4 (CY20/21), a \$599,405 or 30.6% decrease over last fiscal year's Q4 expenditures of \$1,955,213 (Prior Year ((PY))19/20). He added that the Year-to-date expenditures increased by \$28,709 or 5.4% over last fiscal year (PY19/20). Mr. Meiss stated that PTBC has expended \$5,277,288, which is \$28,709 or 0.0054% increase over PY 19/20 year-to-date expenditure of \$5,248,579. Mr. Meiss stated that of these expenditures, the PTBC spent \$18,281 (combined salaries) personnel services labor costs in Q4 (CY20/21).

Mr. Meiss reported that from June 29, 2020 through June 30, 2021, the PTBC has expended \$215,309 in labor costs handling COVID-19 inquiries/issues. He added that \$2,111 was expended on PPE equipment and supplies.

Mr. Meiss stated that the PTBC collected \$1,088,734 in revenues during Q4 this fiscal year (CY20/21), a \$19,777 or 1.8% increase over last fiscal year's Q4 revenues of \$1,068,957 (PY 19/20). He added that year-to-date, the PTBC collected \$6,358,941, which is \$36,661 or 0.005% decrease over PY 19/20 year-to-date revenues of \$6,322,280.

Mr. Meiss reported that based on the data collected by the DCA, Budget Office the PTBC is projected a fund reserve by the end of 2020/21. He added that while the PTBC's fund is considered "healthy", the PTBC's fund reserves will reduce in Budget Year (BY) 2022/23 and continue to decrease over the next five years by BY 2024/25. Mr. Meiss stated that this analysis is based on current revenue and expenditure trends and may change year to year with changes in future revenues and expenditures trends.

Mr. Kaiser stated that PTBC is currently at its statutory caps right now for fees and this may be an issue to identify for our Sunset Report. He added PTBC could extend the fee caps and pursue a regulatory fee increase at which time is appropriate; or pursue a fee increase as part of the Sunset Review process.

#### (B) Outreach Report

Ms. Beauchamps, PTBC's Communication and Education Analyst reported that PTBC had 38,600 web-hits through its home page tabs, resulting in a 1% increase over last fiscal year (Q4). She added that the "Licensees" section had the most significant increase of 8% compared to prior fiscal year (Q4). Ms. Beauchamps stated that for CY 2020-21, PTBC had an overall 6% decrease in traffic compared to FY 2019-20. She added that the 3-year milestone shows a 29% decrease from FY 2018-19 to CY 2020-21.

Ms. Beauchamps reported that PTBC had 10,798 people access our Facebook page and PTBC received 73 "likes". She added that in comparison to last fiscal year (Q4), there was a 40% decrease in traffic. She added that for CY 2020-21, PTBC had an overall 31% decrease in traffic compared to FY 2019-20. She added that the 3-year milestone shows a 46% decrease from FY 2018-19 to CY 2020-21.

Ms. Beauchamps explained that the reason for the traffic decreasing on the PTBC's website is attributed to the current pandemic and due to current trends PTBC has seen changes in Facebook usage, especially by the younger demographics. She added that PTBC is looking at utilizing other social media platforms such as Instagram and TikTok to reach our Stakeholders.

Ms. Beauchamps reported that during Quarter (Q4) PTBC had nine outreach events held virtually due to the COVID-19 pandemic. She added that PTBC provided virtual presentations to San Diego Mesa College on April 14, 2021; University of St. Augustine on April 15, 2021, and April 19, 2021; Unitek College on April 23, 2021; Cerritos College on May 5, 2021; Concorde Garden Grove Campus on May 11, 2021; Stanbridge University on June 11, 2021; Pima Medical Institute on June 15, 2021; and University of San Francisco on June 28, 2021. Ms. Beauchamps reported that for CY 2020-21, the PTBC visited (virtually) 25 PT and PTA programs in California.

Dr. Rabena-Amen asked what the projected timeline would be for completion on PTBC's new website. Ms. Beauchamps responded that usually it takes approximately three months. Mr. Kaiser added that PTBC has been working with DCA's web designer team to work on modernization of the website and better delivery of information and is hopeful that it will be completed by the end of the year.

#### **14. Application Services Quarterly Update**

(A) Program Updates

(B) Statistical Reports

Ms. Conley, Manager of the Application, Licensing and Continuing Competency Services Unit, welcomed Ms. Monet Dyson who has been appointed to the Applications Intake/Support position as a full-time Office Technician. She added that Ms. Dyson will be processing intake of initial license applications. Ms. Conley reported that Mr. Paul Harrison who was assigned to the Contact Tracing Program has returned to the Application Program.

Ms. Conley reported that on August 18th, 2021, Application Services introduced a new online application for initial licensure. She added that the new application includes updates to the original online application system that are intended to improve efficiency and communication with the applicant. Ms. Conley reported that a military information page has been added to our PTBC website and Stakeholders may access this page by clicking on the PTBC Military Resources text located on the home page. Ms. Conley added that this resource includes an email address created specifically for military matters and Paul Row is currently the contact for all military-related inquiries for both applicants and licensees.

Ms. Conley reported that the Application Services program statistics reflect a slight decrease in total applications received year to date when compared to last fiscal year which is an impact from the pandemic. She added that the total number of licenses issued remains consistent between fiscal year; and while volume of applications has increased each year, the percentage change of each category fluctuated between fiscal years.

Ms. Conley reported that in July of 2021 a survey was emailed to all 35 Program Directors of each accredited Physical Therapy (PT) and Physical Therapy Assistant (PTA) program in California. She added that the data gathered from each school is to confirm the estimated cohort size and academic calendar for each graduating class. A total of 60% from both PT/PTA Program Directors submitted a response and the information collected can be used to assist the Applications Services program in planning and reporting purposes.

Dr. Rabena-Amen asked if this survey was mandatory or involuntary and Ms. Conley responded that this was a voluntary survey.

## **15. Licensing Services Quarterly Update**

(A) Program Updates

(B) Statistical Reports

Ms. Conley reported that the License Maintenance Program continuously assists licensees by addressing questions and inquiries. She added that

884 transactions processed in quarter four of fiscal year 2020/21 (April - June) have  
885 an increase in the following areas: 6% in address changes, 6% in renewals,  
886 and 55% increase in name changes request when compared to Q4 of the prior  
887 fiscal year. Ms. Conley added that there is a reduction in duplicate requests by  
888 22% from Q4 of 2020/21 compared to Q4 of 2019/20.

889  
890 Ms. Conley reported that PTBC eliminated the pocket license and Licensing  
891 Services is still receiving a lot of inquiries regarding this which can be seen in  
892 the duplicate request data.

893  
894 **16. Continuing Competency Services Quarterly Update**

895 (A) Program Updates

896 (B) Statistical Reports

897  
898 Ms. Conley reported that the Continuing Competency Program continues to  
899 respond to licensees with questions about their continuing competency  
900 requirements and Department issued waivers. She added that although  
901 program resources have been redirected to Application Services due to  
902 operational need, staff are preparing to resume originally assigned duties soon.

903  
904 **17. Consumer Protection Services Quarterly Update**

905 (A) Program Updates

906 (B) Statistical Reports

907  
908 Ms. Carole Phelps, a PTBC analyst in the Consumer Protection Services  
909 Program reported the number of consumer complaints and arrest/conviction  
910 reports received are reported in Performance Measure 1 (Complaint Intake)  
911 and have decreased significantly from FY 2019/20. She stated that this may be  
912 partly due to the pandemic-related shutdowns, which resulted in less patient  
913 care being delivered overall.

914  
915 Ms. Phelps reported that for Performance Measures 3 (Investigation Cycle  
916 Time) and 4 (AG Case Cycle Time) case aging was higher both for  
917 investigation-only cases and for cases transmitted to the AG. She added that  
918 these numbers fluctuate from year to year, and one or two very complicated  
919 cases can make these numbers increase substantially. Ms. Phelps stated that  
920 additionally, pandemic shutdowns delayed many investigations, especially

921 facility inspections, as well as the disciplinary hearing process, as hearings  
922 were re-scheduled to be held by video or teleconference.

923  
924 Ms. Phelps reported that the five-year milestone statistics indicate an increase  
925 in the average number of days to complete an investigation, Cycle Time-No  
926 Discipline (PM3) as well as in the Cycle Time Discipline (PM4). She added as  
927 reported in prior meetings, staff continues to focus on aging cases and as a  
928 result, the closure of these older cases can skew the average.

929  
930 Ms. Phelps congratulated Vincent Azar, Associated Government Program  
931 Analyst (AGPA) within CPS. He was recently awarded DCA's Superior  
932 Accomplishment Award for 2021, as a Gold Level Recipient for his work in  
933 responding to the new telework environment. He developed automated  
934 functions in QBirt and BreEZe that significantly reduce processing times and  
935 cut U.S. Mail costs for the Board. In addition to his regular duties within the  
936 Board's Enforcement Program, he's also worked with DCA's BreEZe and Office  
937 of Information Services teams on problem-solving for Department-wide issues,  
938 including solutions to DCA's License and Enforcement Workgroups.

939  
940 **18. Probation Monitoring Services Quarterly Update**

941 (A) Program Updates

942 (B) Statistical Reports

943  
944 Mr. Monny Martin, PTBC's Probation Monitor reported that for the fourth  
945 quarter, there were 67 licensees on probation for various causes from Driving  
946 Under the Influence to Sexual Misconduct. Besides the 51 licensees on  
947 probation and in the state of California, there were an additional 16  
948 probationers tolling (out of state) and not receiving credit toward the completion  
949 of probation. He added that there were 2 licensees placed on probation in the  
950 quarter, and 3 licensees that completed probation in the quarter. Mr. Martin  
951 reported that of the 51 licensees that were not tolling, 13 were enrolled and  
952 participating in the Board's Drug and Alcohol Recovery Monitoring Program at  
953 the end of the quarter, equaling about 25% of all licensees on probation that  
954 weren't tolling.

955  
956 Mr. Martin stated that the Probation Monitoring Unit continues to operate  
957 utilizing Microsoft TEAMS. He added that all probationers seem to have  
958 adjusted to having probation monitoring interviews via video conference and



things have continued to operate smoothly and there have not been any disruptions to biological fluid testing and participants in the Board's Recovery Monitoring Program continue to participate in 12-Step programs and Health Support Groups via video conference.

Mr. Martin added that over the last 3 years, there has been quite a dramatic decrease in the number of licensees being placed on probation per year. The number of licensees that were placed on probation dropped from twenty-two (22) licensees in 2018/19 to nine (9) 2019/20 and increased again to twelve (12). He stated that more than likely the reason for the reduction of licensees entering probation is because of the shutdowns caused by COVID-19 (there was only one (1) licensee placed on probation from January 1, 2020, to June 30, 2020) and the enactment of Assembly Bill (AB) 2138 July 1, 2020.

**19. 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).)*

There was no public comment.

**20. Agenda Items for Future Meeting –** December 9-10, 2021  
Department of Consumer Affairs

Mr. Kaiser stated that PTBC staff would work with DCA's Regulatory Unit to have a presentation of their services at the next meeting.

**21. 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

The Board entered closed session at 3:30 p.m. and reconvened into open session to adjourn at 4:10 p.m. on September 16, 2021.

997    **22.    Adjournment**

998            The meeting adjourned at 4:10 p.m. on September 16, 2021.  
999  
1000

DRAFT



1

**Board Members**

**President**

Alicia Rabena-Amen, PT, DPT

**Vice-President**

Katarina Eleby, M.A.

**Members**

Dayle C. Armstrong, Ph.D., P.T., MS, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Johnathon Ervin

Tonia McMillian

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

October 15, 2021 9:00 a.m.

Department of Consumer Affairs  
Public WebEx and Teleconference  
Platform

**Board Staff**

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Executive Analyst

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

5

6

7

**October 15, 2021**

8

**1. Call to Order**

9

10

The Physical Therapy Board of California (Board) meeting was called to order  
by President Dr. Rabena-Amen at 9:12 a.m. and adjourned at 2:34 p.m. on  
October 15, 2021.

11

12

13

14

**2. Roll Call and Establishment of Quorum**

15

16

Armstrong - Present

17

Dominguez- Present

18

Drummer - Present

19

Eleby - Present

20

Ervin - Absent

21

McMillian - Present

22

Rabena-Amen - Present

23

24

All members were present with the exception of Mr. Ervin, and a quorum was  
established. Also present at the meeting were: Michael Kanotz, PTBC Legal  
Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Assistant Executive  
Officer; Brooke Arneson, Board staff, and Sarah Irani and Shelly Jones, DCA  
SOLID WebEx Moderators.

25

26

27

28

29

30

31

32 **3. Reading of the Board's Mission Statement**

33  
34 Ms. McMillian read the Board's mission statement: To advance and protect the  
35 interests of the people of California by the effective administration of the  
36 Physical Therapy Practice Act.  
37

38 **4. Public Comment on Items Not on the Agenda**

39 *Please note that the Board may not discuss or take action on any matter raised*  
40 *during this public comment section that is not included on this agenda, except*  
41 *to decide whether to place the matter on the agenda of a future meeting.*  
42 *(Government Code sections 11125, 11125.7(a).)*  
43

44 The Board requested public comment on items not on the agenda, and there  
45 was no public comment.  
46

47 **5. Review, Discussion and Possible Board Action on Sunset Review Report**  
48 **Pursuant to BPC Section 2602**  
49

50 Mr. Kaiser stated that the final 2022 Sunset Review Report for the Physical  
51 Therapy Board of California (Sunset Report) will be submitted to the legislature  
52 in early 2022. Mr. Kaiser referred members to the Board meeting materials  
53 which outlined the process and timeline for the Sunset Review and Oversight  
54 Hearings which included a template of the Sunset Report. Mr. Kaiser solicited  
55 the members for their feedback on how they would prefer to review the Sunset  
56 Report and if the members would like to delegate or comprise a Sunset  
57 Subcommittee to review the Sunset Report before the Board does their final  
58 review at the December meeting. Mr. Kaiser added that Board member  
59 elections will be done in December and two members will be presenting and  
60 answering questions on the Sunset Review Report to the legislature at the  
61 Sunset Review Oversight Hearings in 2022.  
62

63 **MOTION:** Establish a Sunset Subcommittee to work with staff on  
64 the Sunset Review Report.  
65

66 **M/S:** Dominguez/McMillian  
67

68 **VOTE:** Armstrong - Aye  
69 Dominguez- Aye  
70 Drummer - Aye  
71 Eleby - Aye

Ervin - Absent  
McMillian - Aye  
Rabena-Amen – Aye  
6-0 Motion Carried

Ms. McMillian and Dr. Dominguez volunteered to be on the Sunset Subcommittee.

Mr. Kaiser stated that a draft report would be sent to the Sunset Subcommittee on October 16, 2021 with the anticipation that at the November 4, 2021 Sunset meeting, a draft Sunset report would be sent to the full Board for their review.

**6. Discussion and Possible Board Action Regarding Sunset Review Subcommittee's Recommendation on Issues to be Identified on the Sunset Review Report Pursuant to Business and Professions Code (BPC) Section 2602**

Mr. Kaiser stated that staff have identified several issues to be identified in the Sunset Report for consideration by the Board.

**Updating Fee Statute**

Mr. Kaiser stated that extending the statutory fee caps is an issue that has been identified for consideration and while the PTBC fund is fiscally healthy and PTBC is not proposing a fee increase of any kind at this time, should unseen circumstances occur, the Board fees are currently limited with what it collects in revenue by our statutory caps and we cannot increase fees without emergency legislation. Mr. Kaiser added that while this issue was identified in the previous Sunset, it was the Business and Professions Committee's decision not to extend the statutory caps at that time and suggested addressing this issue at the PTBC's next Sunset Review.

Dr. Drummer asked when the last fee increase was implemented. Mr. Kaiser responded that the last fee increase regulation went into effect in 2015.

Dr. Armstrong added that this issue should be addressed in this Sunset Report as PTBC is being proactive in planning, rather than waiting for an emergency to necessitate emergency legislation. Ms. Eleby agreed with Dr. Armstrong and added that the timing was not right at the Board's previous Sunset Review,

however this is an issue that needs to be addressed proactively, not in a dire situation and it should be included in our issues identified in the Sunset Report.

Mr. Kaiser solicited the Board for feedback if they would like any additional data from staff for presentation at the next meeting to address this issue and if PTBC should move forward with a specific dollar amount request for the fee caps, or if it should be an open-ended request for the fee caps. Mr. Kaiser stated that at the PTBC's last Sunset Review, a specific dollar amount for the fee caps was not provided to the legislature. Dr. Dominguez recommended providing the legislature with specific numbers for the fee cap increases so PTBC can make a solid case for our request.

Ms. Eleby added that she would like to see a timeline of how much the fees have increased since PTBC's creation and an analysis/comparison of Boards (both US wide and California) with similar licensee population size and fees which would help PTBC determine the increase for the statutory fee caps. Ms. McMillian agreed with Ms. Eleby and wanted to further know what role the cost of living plays in the assessment of fees since the cost of living is so different in each state. Mr. Kaiser responded that it would be helpful to provide the Board a comparison of fees for the largest jurisdictions such as Florida, Texas, New York.

#### **Direct Access Waiver Extension Permanent**

Mr. Kaiser stated that another potential issue staff have identified for the Board's Sunset Review is that the PTBC had a waiver exemption, during the pandemic, that was provided by the Director of DCA. Mr. Kaiser stated that the waiver specified that the in-person evaluation for direct access physical therapy could be done via telemedicine, through a video conferencing platform, and that the exemption expires in October 2021. Mr. Kaiser added that PTBC has not had any issues with this exemption through the Board's enforcement process.

Mr. Kaiser stated that due to the COVID-19 pandemic, the Governor Issued Executive Order N-40-20 on March 30, 2020, and DCA was granted the authority to provide waivers during the state of emergency. The DCA waiver identified as DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment temporarily waived the requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an in-person patient examination and evaluation as required by Business and Professions Code

section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. Mr. Kaiser added that the waiver has been in place for the duration of the pandemic and terminates on December 31, 2021; he added that the PTBC has not identified any consumer issues or vulnerabilities. Mr. Kaiser stated that the PTBC believes that the proposed legislative authority would facilitate access to care for physical therapy consumers while maintaining appropriate consumer protection.

Mr. Kaiser stated that staff are proposing that BPC section 2620.1 of the Physical Therapy Practice Act be amended to eliminate the requirement that the patient examination and evaluation must be conducted in person by a physician or surgeon. He added that the proposed legislative authority would provide greater access to care for physical therapy consumers while maintaining appropriate consumer protection.

Dr. Drummer suggested removing the direct access (12 visits or 45 days) requirement altogether from the practice act since there haven't been any issues or concerns raised with the waiver exemption. Dr. Drummer stated with the pandemic implementing telehealth, it pushed that boundary even further and there have been no issues. He added that temporary direct access has helped physicians who are opposed to direct access be more comfortable with the concept, and while some may still be opposed to it; it is clearly demonstrated that this is not an issue. Dr. Drummer stated free direct access to physical therapy care would remove the burden from the patient and he suggested bringing this forward as an issue to be addressed in the Board's Sunset Review. Mr. Kaiser added that this would be considered increasing access to care and removing the barrier.

Dr. Rabena-Amen asked if this is necessary for public protection. Mr. Kaiser responded that Dr. Drummer is correct, there is nothing in our data that shows this waiver has created any issues; however, the absence of data does not affirm an argument. Mr. Kaiser cautioned from an administrator's perspective, that the issues addressed in the Sunset Report should not be considered controversial in nature as this is the Board's sunrise bill and our extension. If the Committee allowed this to be included in our sunrise bill at the request of the Board, PTBC could risk a governor veto based on stakeholder feedback and other special interest groups having concerns with this issue.

Mr. Kaiser stated this issue is identified as an increasing access to care issue, especially considering the global pandemic and technological advancements we have made; however, he cautioned there is an audience that will oppose this on principle, and it could create an issue in our Sunset process.

Mr. Kaiser stated that staff could collect data for presentation to the Sunset Committee and have that information prepared for presentation at the November 4<sup>th</sup> Sunset meeting for the Board's consideration. Members agreed to have this information included in the November 4<sup>th</sup> meeting.

Dr. Rabena-Amen asked for PTBC staff to reach out to external stakeholder's such as the California Medical Association, California Physical Therapy Association, Chiropractic Association, and the Medical Board of California and ask them for feedback and if they have any additional data. Mr. Kaiser added that while it is appropriate for the Board to have this conversation, it may be more appropriate for this conversation to be had at the association level. He stated that CPTA could opine on the Sunset Review and they can suggest issues they think the Board should address during its Sunset Review process. Dr. Rabena-Amen suggested PTBC look at this as a public protection issue.

Ms. Eleby asked if PTBC is aware how other jurisdictions handle this issue and what their laws are in access to care. Mr. Kaiser responded that there are a number of states that have complete direct access; meaning a consumer can approach a physical therapist and the physical therapist can provide a physical therapy-based evaluation/diagnosis and can continue to see that physical therapist for physical therapy services as appropriate, without the involvement of a physician or surgeon. He added that model does exist in other jurisdictions and provided and paid for by some of the largest insurance providers in the nation, and while some jurisdictions have had this authority for a very long time, some are newer, however it seems as the years go by, it is a more accepted model which is coming our way.

Dr. Rabena-Amen suggested reaching out to one or more of our border states to see if there is any information to be collected and brought back to the Board for further discussion at the next meeting.

#### **WebEx Requirement Added to Statutory Authority for Board Meetings**



Mr. Kaiser stated that due to the COVID-19 pandemic, the legislature granted temporary authority in Government Code 11133 for DCA Boards through January 31, 2022, to utilize online platforms in lieu of in person meetings. Mr. Kaiser added that requiring the use of technology such as an online platform like WebEx, would increase consumer and stakeholder access and participation; and is more effective than a teleconference.

Mr. Kaiser stated that this recommendation is intended to be an additional point of access, not as a replacement or in lieu of the existing mandate. Mr. Kaiser added that currently, the PTBC is mandated to meet at least three times a calendar year, meeting at least once in Northern California and once in Southern California; and that adding an online option will provide greater stakeholder access; is more cost effective; and offers broader platform functionality and features. Mr. Kaiser stated that staff are recommending an amendment to BPC section 2611 that would require the Board to provide online access in addition to its existing mandates of in-person Board meetings.

Dr. Rabena-Amen asked if there was any anticipated push back with this issue and request. Mr. Kaiser responded that our request might be misconstrued at first, some may think we are asking for only WebEx or virtual meetings in lieu of in-person meetings, and what PTBC is recommended is offering online platforms in addition to meeting in-person. Mr. Kaiser stated that in WebEx there is the capability to see who is participating in the meeting and engaging in the meeting which does not always happen with in-person meetings so it is easier to keep track of in WebEx.

Dr. Rabena-Amen added that adjusting to being virtual and doing the best that we can is not the same as being face to face with the interaction that happens organically between the members and the public. She added that the Board would not want to revert to all WebEx meetings in lieu of in-person meetings.

Dr. Rabena-Amen asked what the difference was between WebEx and Webcasting. Mr. Kaiser responded that WebEx provides the opportunity for the public to engage in the meeting and with the Board directly, whereas a webcast is the public just watching the meeting with not participation. Mr. Kaiser stated that we don't need to have both, however he believes it is a benefit to the public to have both options.

Mr. Kaiser stated that staff can work with PTBC's legal counsel to brainstorm what potential proposed language would look like and present it to the Board at the subsequent Sunset meetings. Members agreed in including this issue as an issue to address in PTBC's Sunset Report.

Mr. Kaiser solicited the Board for feedback on any additional issues they would like to address in the Sunset Report.

Dr. Rabena-Amen asked if there are any issues concerning continuing competency that the Board should address during Sunset; specially broadening or clarifying alternate pathway. Mr. Kaiser responded that there is room to address alternate pathway however he recommended addressing it through regulatory change, and not Sunset.

Dr. Armstrong asked if there was any feedback from the physical therapy community in California in the last five years, since the last Sunset Report, regarding suggested changes for continuing competency or in the PT Practice Act. Mr. Kaiser responded that PTBC receives feedback daily from stakeholders about practice act issues; and some things are appropriate for us to consider; administrative items such as retired license status, continuing competency requirements etc. However, there are also general advocacy for the profession ideas that get presented to us as well, which are more association-driven issues. Mr. Kaiser added that the intended beneficiary of those conversations are the licensees themselves and so when that is the case, that is appropriate for the association to address them. Mr. Kaiser stated that PTBC needs to always consider who the beneficiary would be; the licensee or the consumer, and that sometimes issues can be synonymous, for example AB 1000 with direct access.

## **7. 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).]*

There was no public comment.

## **8. Agenda Items for Future Meeting**

December 9-10, 2021

Department of Consumer Affairs  
WebEx

Dr. Rabena-Amen asked for an update on the Jurisprudence Assessment Module (JAM).

Mr. Kaiser stated that once Sunset was finished the PTBC would be addressing the Strategic Plan.

**9. 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.

The Board entered closed session at 11:31 a.m. and reconvened into open session at 1:30 p.m. on October 15, 2021.

**10. Reconvene Open Session**

The Board reconvened from closed session into open session at 1:30 p.m. on October 15, 2021.

**25. Adjournment**

The meeting adjourned at 2:34 p.m. on October 15, 2021.



1

**Board Members**

**President**

Alicia Rabena-Amen, PT, DPT

**Vice-President**

Katarina Eleby, M.A.

**Members**

Dayle C. Armstrong, Ph.D., P.T., MS, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

Johnathon Ervin

Tonia McMillian

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

November 4, 2021 9:00 a.m.

Department of Consumer Affairs  
Public WebEx and Teleconference  
Platform

**Board Staff**

Jason Kaiser, Executive Officer

Elsa Ybarra, Assistant Executive Officer

Sarah Conley, Manager

Liz Constancio, Manager

Brooke Arneson, Executive Analyst

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

**November 4, 2021**

**1. Call to Order**

The Physical Therapy Board of California (Board) meeting was called to order  
by President Dr. Rabena-Amen at 9:10 a.m. and adjourned at 3:15 p.m. on  
November 4, 2021.

**2. Roll Call and Establishment of Quorum**

Armstrong - Present

Dominguez- Present

Drummer - Absent

Eleby - Present

Ervin - Absent

McMillian - Present

Rabena-Amen - Present

All members were present with the exception of Dr. Drummer and Mr. Ervin,  
and a quorum was established. Also present at the meeting were: Michael  
Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra,  
Assistant Executive Officer; Brooke Arneson, Board staff, and Elizabeth Coronel  
and David Bouilly, DCA SOLID WebEx Moderators.

32     **3.     Reading of the Board’s Mission Statement**

33  
34     Ms. Eleby read the Board’s mission statement: To advance and protect the  
35     interests of the people of California by the effective administration of the  
36     Physical Therapy Practice Act.

37  
38     **4.     Public Comment on Items Not on the Agenda**

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

43  
44     The Board requested public comment on items not on the agenda, and there  
45     was no public comment.

46  
47     **5.     Review, Discussion and Possible Board Action on Sunset Review Report**  
48     **Pursuant to BPC Section 2602**

49  
50     PTBC staff presented the draft 2022 Sunset Review Report (Sunset Report) to  
51     the Board for review. Mr. Kaiser thanked the Sunset Subcommittee for their  
52     feedback and hard work on the Sunset Review Report.

53  
54     The Board provided edits and feedback throughout the Sunset Report which  
55     were made during the meeting. Mr. Kaiser stated that PTBC staff will work with  
56     the Sunset Subcommittee on finalizing the draft Sunset Report and present the  
57     final draft version to the members at the December 9-10, 2021, meeting for their  
58     consideration.

59  
60     **6.     Discussion and Possible Board Action Regarding Sunset Review**  
61     **Subcommittee’s Recommendation on Issues to be Identified on the**  
62     **Sunset Review Report Pursuant to Business and Professions Code (BPC)**  
63     **Section 2602**

64  
65     Mr. Kaiser reported that at the October 15, 2021, meeting, the Board met and  
66     began formulating the Sunset Report and one of the discussions that was had  
67     was what issues would be identified as new issues to address in the Sunset  
68     Report. He stated that PTBC staff made a recommendation for the Board to  
69     consider taking one of the Department of Consumer Affairs Director’s orders  
70     that waived an in-person evaluation by a physician or surgeon to continue direct  
71     access care and remove the words “in-person” in statute or by means of the  
72     Sunset Report.

73  
74 Mr. Kaiser stated that discussion was had by the Board, and members  
75 suggested possibly removing direct access completely as it is a barrier to care  
76 for California consumers of physical therapy services. Mr. Kaiser stated that as  
77 part of that conversation, the Board directed PTBC staff to have conversations  
78 with stakeholders for their feedback. Mr. Kaiser stated that PTBC staff had  
79 conversations with both the California Medical Association (CMA) and the  
80 California Physical Therapy Association (CPTA). He added that the CPTA was  
81 in support of the idea and have put together a task force in their Legislative  
82 Affairs Committee to modernize the practice act and one of the items to be  
83 modernized would be direct access.  
84

85 Mr. Kaiser reported that PTBC staff had a meeting with members of the CMA  
86 and while they were supportive in the idea of removing the word "in-person" in  
87 statute to allow for telemedicine vehicles to achieve the medical plan of care,  
88 they were resistant with the idea of removing direct access all together. Mr.  
89 Kaiser added that CMA questioned why this was necessary and that they see  
90 the physician or surgeon signing off on the plan of care as an additional  
91 safeguard to consumer protection. He stated that CMA was interested in the  
92 idea of looking at the 12 visits or 45 days to see if an adjustment could be made  
93 with the timeframes. Mr. Kaiser said that through the AB 1000 legislation that  
94 created direct access, there were several consumer safeguards built into the  
95 language and one of CMA's concerns was if PTBC removed direct access  
96 altogether, those safeguards that were put in place to benefit the consumer  
97 would be removed as well. Mr. Kaiser reported that through CMA there would  
98 certainly be contention and resistance if the Board was to move forward with  
99 trying to remove direct access or have unrestricted access.  
100

101 Mr. Kaiser reported that there was discussion with CMA on the norms in the  
102 nation; 20 states in the United States have direct access and there are 27 states  
103 similar to California, that have some kind of conditional direct access, whether  
104 that be through a number of visits in time; certifying a physical therapists  
105 qualifications; or through limiting what types of services could be provided  
106 through direct access. Mr. Kaiser added that it was a good conversation and he  
107 appreciated CMA's feedback.  
108

109 Mr. Kaiser stated that he did not recommend the Board address any contentious  
110 topics or issues in the PTBC's Sunset bill and that this topic could be worthy of

111 legislation in the future, however he did not recommend addressing it during the  
112 Sunset process and having to unnecessarily expose our sunrise to such a hot  
113 topic issue.  
114

115 Dr. Rabena-Amen asked if the CMA discussed their direct access experiences  
116 with the 12 visits/45-day restrictions and if it has created any barriers or access  
117 to care issues. Mr. Kaiser responded that CMA did acknowledge that with the  
118 pandemic, there is a difficulty and backlog in patients being able to see a doctor  
119 or physician face-to-face and they are greatly utilizing telemedicine at this time.  
120 Mr. Kaiser added that CMA is amenable to the idea of removing the in-person  
121 language from the direct access statute. He also said that CMA did mention  
122 that the 12 visits/45-day direct access timeframe seemed short and questioned  
123 where those came from, and Mr. Kaiser responded that CPTA and the  
124 Legislature looked at average timeframes for the length of typical physical  
125 therapy course of treatment to determine the timeframes in the direct access  
126 statute.  
127

128 Dr. Dominguez stated that with the Director's waiver adding telemedicine to the  
129 direct access statute, it removes a potential barrier to being able to see a  
130 physician to continue a consumer plan of care. He suggested also researching  
131 booking lead times (how long is it taking physicians to see patients) and look at  
132 if that is another barrier to the consumer for access to care. Ms. Eleby agreed  
133 with Dr. Dominguez that it is worth pursuing however, this is an issue to address  
134 post Sunset Review as she did not want any controversial topics addressed in  
135 the Sunset Review process. Dr. Armstrong added that she agreed that it is  
136 worth researching the 12 visits/45-days and that she did not want to pursue  
137 eliminating direct access during the Sunset Review process.  
138

139 Mr. Kaiser stated that it is PTBC staff's recommendation to remove the word "in-  
140 person" from the AB 1000 direct access statute. The members agreed to this  
141 amendment and directed staff to work with the Sunset Subcommittee and Board  
142 counsel on this proposed language for presentation at the December meeting.  
143

144 Mr. Kaiser reported that at the October meeting, the Board recommended  
145 pursuing an extension of PTBC's statutory fee caps and asked PTBC staff  
146 research what the fees were in other states and professions. He reported that  
147 California does not have the highest renewal fees in the United States, and  
148 many jurisdictions have similar fees to PTBC. Mr. Kaiser added that PTBC staff

149 researched the fees of other Boards and Bureau's within DCA and a number of  
150 Boards have higher fees than PTBC such as the Medical Board of California,  
151 Board of Chiropractic Examiners and the California Board of Registered  
152 Nursing, and especially boards with smaller licensing populations such as the  
153 Osteopathic Medical Board of California and the Podiatric Medical Board of  
154 California.

155  
156 Mr. Kaiser stated that his recommendation would be to ask the legislature for a  
157 \$500 statutory cap, and this is not indicative of what the PTBC will be asking for  
158 in a fee increase, however it gives PTBC room for the future. Mr. Kaiser added  
159 that in the past the PTBC must justify the increase in fees whether it be through  
160 a cost benefit analysis and/or show that PTBC's fund would reach insolvency  
161 without a fee increase. Members agreed with this recommendation. Mr. Kaiser  
162 added that PTBC will work the Legislature and Committee on the statutory fee  
163 cap amount.

164  
165 Mr. Kaiser reported that another issue that PTBC staff brought to the Board as  
166 an issue to be addressed in Sunset Review was the idea of adding WebEx  
167 language to our meeting statute, not to replace in-person meetings, however to  
168 be in addition to the in-person meetings which will increase public access and  
169 participation.

170  
171 Mr. Kaiser stated that there was a recent bill that was passed AB 361 (Rivas)  
172 Chapter 165, Statutes of 2021 that extended the PTBC's ability to meet  
173 remotely, however it is still uncertain what the Legislature's plan is moving  
174 forward for remote access to public meetings and there is nothing new to report  
175 to the Board at this meeting. Mr. Kaiser suggested reiterating staff's original  
176 recommendation to amend the statutory language to require the Board to not  
177 only meet in-person in Southern California and Northern California but to add a  
178 WebEx online platform component requirement to provide further access to the  
179 public for those that cannot travel or would not be able to attend in-person.

180  
181 Dr. Rabena-Amen asked PTBC staff to contact DCA and the Legislature and  
182 ask what their plan is during the next legislative session regarding WebEx or  
183 utilizing an online platform at meetings going forward. Mr. Kaiser responded  
184 that PTBC staff are already working on having these conversations and will  
185 provide the Board with an update at the December meeting. Members agreed  
186 to pursue this as a new issue to address in the Sunset Report.



187  
188 **7. Public Comment on Items Not on the Agenda**

189 *Please note that the Board may not discuss or take action on any matter raised*  
190 *during this public comment section that is not included on this agenda, except*  
191 *to decide whether to place the matter on the agenda of a future meeting.*  
192 *[Government Code sections 11125, 11125.7(a).]*  
193

194 There was no public comment.  
195

196 **8. Agenda Items for Future Meeting**  
197

198 December 9-10, 2021  
199 Department of Consumer Affairs  
200 WebEx  
201

202 Mr. Kaiser stated that members have asked for a presentation of services from  
203 DCA's Regulatory Unit and a presentation of services by the Deputy Attorney  
204 General's Office by our Deputy Attorney General liaison, Mr. John Gatchett at  
205 the next meeting  
206

207 **9. Closed Session**

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

211 (B) Pursuant to Government Code section 11126(a)(1), the Board will  
212 Convene to Consider the Evaluation of Performance of the Executive  
213 Officer.  
214

215 The Board entered closed session at 11:08 a.m. and reconvened into open  
216 session at 1:01 p.m. on November 4, 2021.  
217

218 **10. Adjournment**  
219

220 The meeting adjourned at 3:15 p.m. on November 4, 2021.  
221  
222

# Physical Therapy Board of California

## Adopted 2022 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			1	2	3	4	5			1	2	3	4	5						1	2
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12	3	4	5	6	7	8	9
9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19	10	11	12	13	14	15	16
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28						27	28	29	30	31			24	25	26	27	28	29	30
30	31																										

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

January							February							March							April						
1	New Year's Day						21	President's Day						24	PTBC Meeting WebEx						6	PTA NPTE					
5	PTA NPTE						2	APTA Sections Meeting San Antonio, Texas													17	Easter					
	Martin Luther King Jr																				27	PT NPTE					
26	PT NPTE													20	CPTA Student Conclave Virtual Meeting												
														31	César Chávez Day												

May							June							July							August						
8	Mother's Day						19	Father's Day						4	Independence Day												
20	FSBPT BM Reg Alexandria, VA						23	PTBC Meeting Sacramento, CA						6	PTA NPTE												
30	Memorial Day													23	FSBPT LIF Alexandria, VA												
														27&28	PT NPTE												

September							October							November							December						
5	Labor Day						27	FSBPT Annual Meeting Orange County, CA						11	Veteran's Day						8	PTBC Meeting Sacramento, CA					
14	PTBC Meeting TBD Bay Area, CA						6	PTA NPTE						24	Thanksgiving												
24	CPTA Annual Meeting Anaheim, CA						26	PT NPTE													26	Christmas					
							31	Halloween																			

# Physical Therapy Board of California

## Proposed 2023 Meeting Calendar

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

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

January		February		March		April	
2	New Year's Day	20	President's Day	23 24	PTBC Meeting TBD, Southern CA	4 5	PTA NPTE
4 5	PTA NPTE	22 25	APTA Sections Meeting			TBD	CPTA Student Conclave
16	Martin Luther King Jr	San Diego, CA				TBD	
25 26	PT NPTE			31	César Chávez Day	9	Easter
						26 27	PT NPTE

May		June		July		August	
14	Mother's Day	TBD	FSBPT REG Training Alexandria, VA	4	Independence Day		
TBD	FSBPT BM Training Alexandria, VA	18	Father's Day	5 6	PTA NPTE		
29	Memorial Day	22 23	PTBC Meeting Sacramento, CA	TBD	FSBPT LIF Alexandria, VA		
				25 26	PT NPTE		

September		October		November		December	
4	Labor Day	TBD	FSBPT Annual Meeting	10	Veteran's Day	7 8	PTBC Meeting
13 14	PTBC Meeting		TBD	23	Thanksgiving		Sacramento, CA
	TBD Bay Area, CA	4 5	PTA NPTE			25	Christmas
TBD	CPTA Annual Meeting	25 26	PT NPTE				
	TBD	31	Halloween				



## **Briefing Paper**

## **Agenda Item 11(A)**

**Date:** March 1, 2022

**Prepared for:** PTBC Members

**Prepared by:** Brooke Arneson

**Subject:** Waivers Issued by the Director of the California Department of Consumer Affairs

---

### **Purpose:**

To provide an update on the waivers issued by the Director of DCA.

**Attachments:**

1. DCA Waiver DCA-20-01 Continuing Education
  - a. [Ninth Extension - DCA Waiver DCA-21-194](#)
2. DCA Waiver DCA-20-02 Reinstatement of Licensure
  - a. [Fifth Extension - DCA Waiver DCA-22-212](#)
3. DCA Waiver DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment
  - a. [Tenth Extension – DCA Waiver DCA-22-213](#)

---

### **Update:**

Pursuant to the Governor's Executive Order N-39-20 issued March 4, 2020, DCA was granted the authority to provide waivers during the state of emergency resulting from COVID-19. DCA issued eight waiver orders applicable to physical therapist and physical therapist assistant licensees:

1. [DCA-20-01 Continuing Education \(3/31/20\)](#) – Temporarily waives the continuing competency renewal requirement for licensees whose license expires between March 31<sup>st</sup> and June 30<sup>th</sup>, 2020. Licensees must complete continuing competency requirements within six months of the date of the order.
  - a. [Ninth Extension - DCA-21-194 Extending DCA Waiver DCA-20-01 \(9/28/21\)](#) – Supersedes DCA waiver DCA-20-175 and temporarily waives the continuing competency renewal requirement for licensees whose license expires between October 1<sup>st</sup> and October 31<sup>st</sup>. Licensees must complete continuing competency requirements within six months of the date of the order.
2. [DCA-20-02 Reinstatement of License \(3/3/20\)](#) – Allows licensees to reinstate an inactive or retired license without paying fees or completing continuing competency. Reinstatement pursuant to this order is valid for six months or until the state of emergency ceases to exist, whichever is sooner.
  - a. [Fifth Extension - DCA-22-212 Extending DCA Waiver DCA-20-02 \(1/11/2022\)](#) Extends DCA waiver DCA-21-200 and allows licensees to reinstate an inactive or retired license without paying fees or completing continuing competency.

Reinstatement pursuant to this order is valid for six months or until the state of emergency ceases to exist, whichever is sooner.

3. **DCA-20-09 Examination Requirement for Continued Physical Therapy Treatment (5/6/20)** – Temporarily waives the requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates 60 days from the date of the order.
  - a. **Tenth Extension - DCA-22-213 Waiver Extending DCA Waiver DCA-20-09 Examination Requirement for Physical Therapy (1/11/2022)** – Extends DCA Waiver DCA-21-202 and temporarily waives the requirement for a licensed physician and surgeon or podiatrist, as applicable, to conduct an “in-person” patient examination and evaluation as required by Business and Professions Code section 2620.1, subdivision (a)(4), subject to the condition that the examination and evaluation must be performed via appropriate electronic means. This order terminates on March 31, 2022 unless further extended.

---

**Action Requested:** None.



## **Briefing Paper**

**Date:** March 3, 2022

## **Agenda Item 13**

**Prepared for:** PTBC Members

**Prepared by:** Brooke Arneson

**Subject:** Legislation Report

---

### **Purpose:**

To provide an update on the 2021/22 Legislative session.

**Attachments:**

1. [2022 Legislative Calendar](#)
2. [Definition of the Board's Legislative Positions](#)
3. [2021/22 Legislative Summary](#)

---

### **Background and Update:**

The 2021 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.

A 2021/22 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. This legislative summary also includes bills that were chaptered, vetoed and carried over as 2-year bills from 2021.

---

### **Upcoming Legislative Calendar Highlights:**

<b>January 3, 2022</b>	Legislature Reconvenes
<b>February 18, 2022</b>	Last day for bills to be introduced
<b>April 7, 2022</b>	Spring Recess Begins
<b>April 18, 2022</b>	Legislature Reconvenes from Spring Recess
<b>May 27, 2022</b>	Last Day for Bills to be Passed Out of the House of Origin
<b>July 1, 2022</b>	Summer Recess Begins
<b>August 1, 2022</b>	Legislature Reconvenes from Summer Recess
<b>August 25, 2022</b>	Last Day to Amend Bills on the Floor
<b>August 31, 2022</b>	Last Day for Each House to Pass Bills
<b>September 30, 2022</b>	Last Day for the Governor to Sign or Veto Bills Passed by the Legislature on or Before Sept. 10 <sup>th</sup> and in the Governor's Possession after Sept. 10 <sup>th</sup> .

**January 1, 2023**

Statutes take Effect

---

**Action:**

No action requested.

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

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

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

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

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

DEADLINES

- [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. 14](#)

Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- [Jan. 17](#)

Martin Luther King, Jr. Day.
- [Jan. 21](#)

Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- [Jan. 21](#)

Last day to submit **bill requests** to the Office of Legislative Counsel.
- [Jan. 31](#)

Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).
- [Feb. 18](#)

Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- [Feb. 21](#)

Presidents’ Day.
- [Apr. 1](#)

Cesar Chavez Day observed
- [Apr. 7](#)

**Spring Recess** begins upon adjournment of this day’s session (J.R. 51(b)(1)).
- [Apr. 18](#)

Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- [Apr. 29](#)

Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- [May 6](#)

Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- [May 13](#)

Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- [May 20](#)

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 May 31 (J.R. 61 (b)(9)).
- [May 23-27](#)

**Floor Session only.** No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- [May 27](#)

Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- [May 30](#)

Memorial Day.
- [May 31](#)

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

\*Holiday schedule subject to final approval by the Rules Committee



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

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

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

- June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12 (c)).
- June 30** Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).
- July 1** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day’s session if Budget Bill has been passed (J.R. 51(b)(2)).
- July 4** Independence Day.
- Aug. 1** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).
- Aug. 12** Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).
- Aug. 15 - 31 Floor Session only.** No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).
- Aug. 25** Last day to **amend** bills on the Floor (J.R. 61(b)(16)).
- Aug. 31** Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).  
**Final Recess** begins at end of this day’s session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

- 2022**  
**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)).
- Nov. 8** General Election.
- Nov. 30** Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).
- Dec. 5** 12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).
- 2023**  
**Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).

**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.

## [AB 105](#)

### **The Upward Mobility Act of 2021: Boards and Commissions Civil Service: Examinations: Classifications**

Author: Holden (D)

Status: Enrolled 9/13/2021. 10/8/2021 Governor Vetoed.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

This bill would have required that, on or after January 1, 2022, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. This bill would have defined the term "board member or commissioner from an underrepresented community" as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. This bill would have applied these requirements only as vacancies on state boards and commissions occur. There is a similar bill this session, AB 1604 which is also included in this legislative summary.

#### Governor's Veto Message:

*"To the Members of the California State Assembly: I am returning Assembly Bill 105 without my signature. This bill would modify several processes related to civil service job announcements, examinations, classifications, and hiring practices. Additionally, it would require certain boards and commissions to include appointed representatives of underrepresented groups and institute new data collection requirements. I believe that California has a responsibility to recruit and retain a workforce that reflects California's diversity and treats all of our employees with respect, dignity, and equity. My Administration remains committed to furthering that cause and that's why we have established the California Leads as an Employer Initiative. The goal of this initiative is to implement policies that promote a diverse and inclusive workforce reflective of California, ensure a respectful workplace free of harassment, and address gender and racial pay gaps in the state workforce. Additionally, we established a Chief Equity Officer at the Government Operations Agency this year who will focus on diversifying state hiring, recruitment, retention, and training. While the goals of AB 105 are laudable, elements of the bill conflict with existing constitutional requirements, labor agreements, and current data collection efforts. Therefore, it may have unintended consequences that warrant further consideration. Furthermore, as AB 105 would cost tens of millions of dollars, these one-time and significant ongoing costs should be considered through the annual state budget process. I would encourage the author to collaborate with the Administration to address these concerns and look forward to continued partnership as we continue to work to build a more inclusive state government."*

Sincerely, Gavin Newsom

## AB 107

## Licensure: Veterans and Military Spouses

Author: Salas (D)

Status: 10/8/2021 Chaptered. Chapter 693, Statutes of 2021.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

### Summary:

This bill will require most boards and bureaus within DCA to issue temporary licenses to military spouses meeting specified criteria. Temporary licenses will be required to be issued within 30 days of receiving an application if the results of a criminal background check do not show grounds for denial. This bill will exempt a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year; or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license. Regulations to implement this bill will be due to DCA by June 15, 2022, if required. DCA will also be required to submit an annual report to the Legislature on licensure of military members, veterans, and spouses.

PTBC is exempt by the provisions outlined in AB 107 in BPC 115.6(h) *"This section shall not apply to a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year."*

## AB 225

## DCA: Boards: Veterans: Military Spouses: Licenses

Author: Gray (D)

Status: Amended in the Senate 6/28/2021. 2 Year Bill.

Position: No Position.

Desk	2-Year	Policy	Fiscal	Floor	Desk	2-Year	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

### Summary:

Current law requires specified boards within the DCA to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 60 months of separation from active duty under other than dishonorable conditions, a veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service, or an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under other than dishonorable conditions.

### AB 305

### Veteran Services: Notice

Author: Maienschein (D)

Status: Inactive file. 9/1/21 Ordered to Inactive Bill at the Request of Senator Eggman.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

This bill would have required certain state agencies to include specific questions on their intake and application forms intended to determine if a person is a veteran of the United States Armed Forces or related to one, and would have required the information be sent to the Department of Veterans Affairs (CalVet), provided the person has granted consent.

### AB 339

### State and Local Government: Open and Public Meetings

Author: Lee (D)

Status: Enrolled 9/13/2021. 10/7/2021 Governor Vetoed.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

This bill would have required, until December 31, 2023, certain city council or county board of supervisor's meetings to allow the public to attend and comment via telephone or internet.

#### Governor's Veto Message:

*"To the Members of the California State Assembly: I am returning Assembly Bill 339 without my signature. This bill requires, until December 31, 2023, that city councils and boards of supervisors in jurisdictions with over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings. While I appreciate the author's intent to increase transparency and public participation in certain local government meetings, this bill would set a precedent of tying public access requirements to the population of jurisdictions. This patchwork approach may lead to public confusion. Further, AB 339 limits flexibility and increases costs for the affected local jurisdictions trying to manage their meetings. Additionally, this bill requires in-person participation during a declared state of emergency unless there is a law prohibiting in-person meetings in those situations. This could put the health and safety of the public and employees at risk depending on the nature of the declared emergency. I recently signed urgency legislation that provides the authority and procedures for local entities to meet remotely during a declared state of emergency. I remain open to revisions to the Brown Act to modernize and increase public access, while protecting public health and safety. Unfortunately, the approach in this bill may have unintended consequences."*

Sincerely, Gavin Newsom

**AB 361**      **Open Meetings: State and Local Agencies:**  
**Teleconferences**

Author: Rivas (D)

Status: 9/16/2021 Chaptered. Chapter 165, Statutes of 2021.

Position: Support

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

**Summary:**

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public, and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting. The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill, until January 31, 2022, will authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill will suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under this bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. In addition, the bill will require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill will urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

**AB 657**      **State Civil Service System: Personal Services Contracts**  
**Professionals**

Author: Cooper (D)

Status: 2 Year Bill. Amended in the Senate 6/15/2021. 7/6/2021 Failed Passage. Reconsideration Granted.

Position: No Position.

Desk	2-Year	Policy	Fiscal	Floor	Desk	2-Year	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

**Summary:**

This bill prohibits a state agency from entering into a contract with a professional, as defined, for a period of more than 365 consecutive days or for a period of 365 nonconsecutive days in a 24-month period, subject to certain exceptions, as specified in the provisions of the bill. The provisions of this bill do not apply to the Department of Consumer Affairs or a board or bureau of the Department of Consumer Affairs.

**AB 1273**      **Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer**

Author: Rodriguez (D)

Status: 10/4/2021 Chaptered. Chapter 477, Statutes of 2021.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

**Summary:**

This bill expands membership of the Interagency Advisory Committee on Apprenticeship to include the State Public Health Officer and the Director of Consumer Affairs; and expands the use of the “earn and learn” training model by preventing these two government entities from prohibiting its use for personnel training or accreditation of programs and requiring them to use licensing or certification standards that authorize it.

**SB 250**      **Health Care Coverage**

Author: Pan (D)

Status: 2 Year Bill. Amended in the Assembly 3/11/21. 6/10/2021 Referred to the Assembly Health Committee.

Position: No Position.

Desk	2-Year	Policy	Fiscal	Floor	Desk	2-Year	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

**Summary:**

This bill establishes a process for “deemed approved” status for individual health professionals’ prospective treatment utilization review required by health plans and health insurers; and, requires health plans and health insurers to reimburse a contracting individual health professional the full contracted rate, including the amount of in network patient cost-sharing for the services provided to an enrollee or insured in a contracting health facility. This bill requires health plans and insurers to bill and collect the cost-sharing from enrollees and insureds.

**SB 607**      **Professions and Vocations**

Author: Min (D)

Status: 9/28/2021 Chaptered. Chapter 367, Statutes of 2021.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

**Summary:**

SB 607 is a Senate Business, Professions and Economic Development Committee Omnibus bill, and makes statutory updates, technical corrections, and noncontroversial changes to various provisions of law relating to boards and bureaus under the Department of Consumer Affairs (DCA).

**Major Provisions**

- 1) Beginning July 1, 2022, requires that boards waive the licensure application fee and the initial or original license fee for applicants who meet the requirements for expedited licensure as military family members.
- 2) Provides that a foreign dental school whose program was approved prior to January 1, 2020, through any date between January 1, 2024, and December 31, 2026, shall maintain approval through that date, at which time they would be required to obtain CODA accreditation.



- 3) Provides that graduates of a foreign dental school whose program was approved by the Board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, shall be eligible for licensure.
- 4) Expressly authorizes the DBC to charge an application fee of up to \$1,000 and a renewal fee of up to \$600 for a pediatric minimal sedation permit.
- 5) Deletes the practical examination requirement for RDAEF license applicants.
- 6) Clarifies the LATC's authority to require fingerprints for conducting a criminal history background checks for applicants and receive criminal offender record information through the Department of Justice.
- 7) Implements fee increases for applicants and licensees under the CSLB and increases, beginning January 1, 2023, the amount required for a contractor's bond for licensure from \$15,000 to \$25,000.
- 8) Clarifies firearms permit requirements for individuals applying for licensure as security guards to complete a specified assessment.
- 9) Authorizes a contractor to perform the inspection and bid on the repair work of an EEE.
- 10) Extends the repeal date for various boards and bureaus under the DCA for purposes of the legislative sunset review process.
- 11) Include additional technical language to update, modify, or clean up provisions of the law relating to regulatory programs under the DPA.

### **SB 731**

### **Criminal Records: Relief**

Author: Durazo (D)

Status: Amended in the Senate 9/2/21. 9/10/2021 Motion to Reconsider Made by Assembly Member Ting.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

This bill would continue recent criminal justice reforms by, among other things, expanding felonies that are eligible for automatic record sealing to include convictions for certain felonies that resulted in incarceration, as long as the individual has completed their sentence and has not been convicted of a new felony offense for four years.

### **AB 1604**

### **The Upward Mobility Act of 2022: Boards and Commissions; Civil Service: Examinations: Classifications**

Author: Jones (D)

Status: Amended in the Assembly 3/7/2022. 3/8/2022 Re-Referred to Assembly Committee on Public Employment and Retirement

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women. This bill would, except as specified, require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term "board member or commissioner from an underrepresented community" as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The



bill would apply these requirements only as vacancies on state boards and commissions occur. This bill contains other related provisions and other existing laws.

**AB 1662**      **Licensing Boards: Disqualification from Licensure: Criminal Conviction**      Author: Gipson (D)

Status: Introduced in the Assembly 1/18/2022. 1/27/2022 Referred to the Assembly Business and Professions Committee

Position: **PTBC Staff Recommendation: Oppose**

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

### Summary:

Current law authorizes a board within the Department of Consumer Affairs to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. This bill would authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request and deliver that determination to the prospective applicant.

**AB 1733**      **State Bodies: Open Meetings**      Author: Quirk (D)

Status: Introduced in the Assembly 1/31/2022. 2/18/2022 Referred to the Assembly Business and Professions Committee and Governmental Organization

Position: **PTBC Staff Recommendation: Support**

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

### Summary:

The Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public, and all persons be permitted to attend any meeting of a state body. Current law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Current law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Current law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting. This bill would specify that a "meeting" under the act, includes a meeting held entirely by teleconference.

The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members

of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body's internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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

## **AB 2104**

## **Professions and Vocations**

Author: Flora (R)

Status: Introduced in the Assembly 2/14/2022. 2/19/2022 From Printer. May be Heard in Committee March 21, 2022.

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

## Summary:

Current law generally requires the DCA and each board in the department to charge a fee of \$2 for the certification of a copy of any record, document, or paper in its custody. Current law generally requires that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not less than \$25 nor more than \$150. This bill would instead authorize the DCA and each board in the department to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also require the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.

## AB 2600

### State Agencies: Letters and Notices: Requirements

Author: Dahle (R)

Status: Introduced in the Assembly 2/18/2022. 2/24/2022 Referred to the Assembly Business and Professions Committee

Position: **PTBC Staff Recommendation: Oppose**

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

Would require that every state agency, when sending any communication to any recipient, shall state, in bolded font at the beginning of the communication, whether it requires action on the part of the recipient or serves as notice requiring no action.

## AB 2636

### Refugees, Asylees, and Special Immigrant Visa

Author: Berman (D)

### Holders: Professional Licensing: Initial Licensure Process

Status: Introduced in the Assembly 2/18/2022. 2/19/2022 2/19/2022 From Printer. May be Heard in Committee March 21, 2022

Position: No Position

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

Existing law requires a board within the DCA to expedite, and authorizes it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. This bill would make non-substantive changes to those provisions.

## SB 1031

### Healing Arts Boards: Inactive License Fees

Author: Ochoa-Bogh (R)

Status: Introduced in the Senate 2/15/2022. 2/23/2022 Referred to the Senate Business, Professions and Economic Development Committee

Position: No Position.

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

Current law requires each healing arts board to issue inactive licenses to holders of active licenses whose license is not punitively restricted by that board. Current law prohibits the holder of an inactive license from engaging in any activity for which an active license is required. Current law requires the renewal fee for an active license to apply to an inactive license, unless the board establishes a lower fee. This bill would instead require the renewal fee for an inactive license to be 1/2 of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee.

### SB 1237

### Licenses: Military Service

Author: Newman (D)

Status: Introduced in the Senate 2/17/2022. 3/2/2022 Referred to the Senate Business, Professions and Economic Development Committee and Senate Military and Veterans Affairs Committee

Position: No Position.

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

This bill would require the boards within DCA to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California.

### SB 1365

### Licensing Boards: Procedures

Author: Jones (R)

Status: Introduced in the Senate 2/18/2022. 2/22/2022 From Printer.

Position: No Position.

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

Current law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. This bill would require each board within the department to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would also require the DCA to develop a process for each board to use in verifying applicant information and performing background checks of applicants and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

### SB 1438

### Physical Therapy Board of California Meetings: Remote Access

Author: Roth (D)

Status: Introduced in the Senate 2/18/2022. 2/22/2022 From Printer.

Position: PTBC Staff Recommendation: Support

Desk	2-Year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf Conc	Enrolled	Vetoed	Chaptered
1 <sup>st</sup> House					2 <sup>nd</sup> House							

#### Summary:

Existing law, the Physical Therapy Practice Act, establishes the Physical Therapy Board of California within the Department of Consumer Affairs for the licensure, approval, and regulation of physical therapists and physical therapist assistants. Existing law requires the board to meet at least 3 times each calendar year meeting at least once each calendar year in northern California and once each calendar year in southern California. This bill would require the board to provide remote access to participants who are unable to attend in person.



## **Briefing Paper**

**Date:** February 24, 2022

**Agenda Item 14(A)**

**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. 2022 Rulemaking Update](#)  
[2. Rulemaking Processing Timelines](#)

---

## **Background:**

At the December 2021 meeting, the Board adopted the 2022 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](http://www.oal.ca.gov/Notice_Register.htm)

From the 2022 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.

---

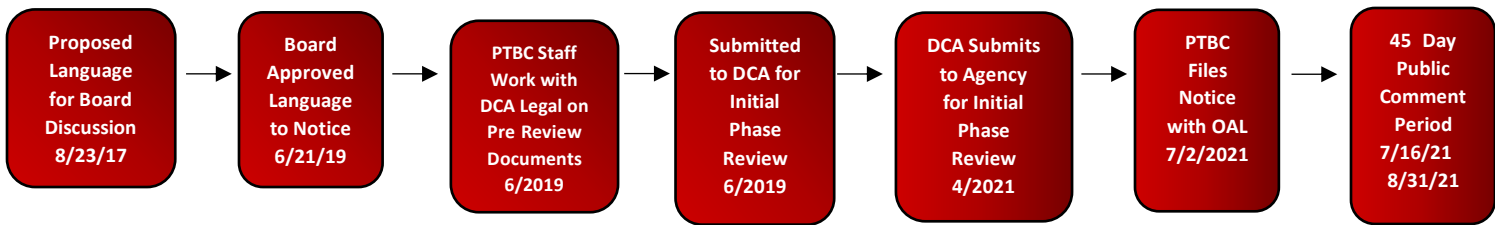
## **Action:**

No action is requested on presentation of the rulemaking report.

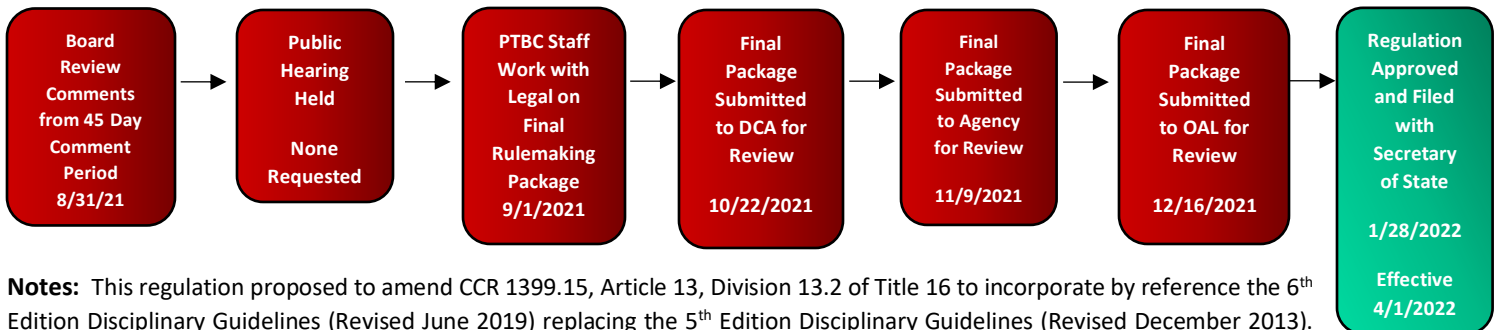
# 2022 Rulemaking Update

## Guidelines for Issuing Citations and Imposing Discipline, 6<sup>th</sup> Edition (Disciplinary Guidelines)

Initial Phase:



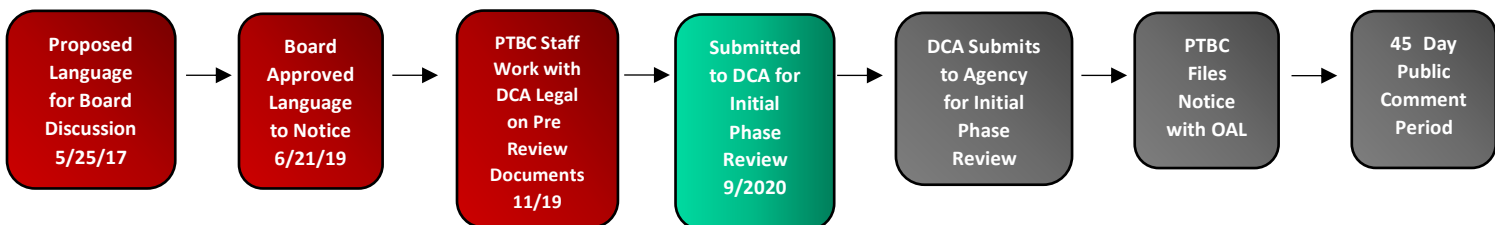
Final Phase:



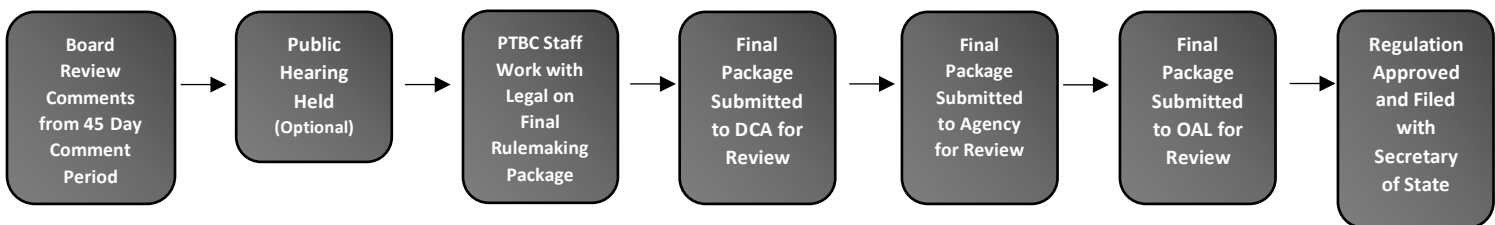
**Notes:** This regulation proposed to amend CCR 1399.15, Article 13, Division 13.2 of Title 16 to incorporate by reference the 6<sup>th</sup> Edition Disciplinary Guidelines (Revised June 2019) replacing the 5<sup>th</sup> Edition Disciplinary Guidelines (Revised December 2013). This regulation will become effective on April 1, 2022.

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

Initial Phase:



Final Phase:



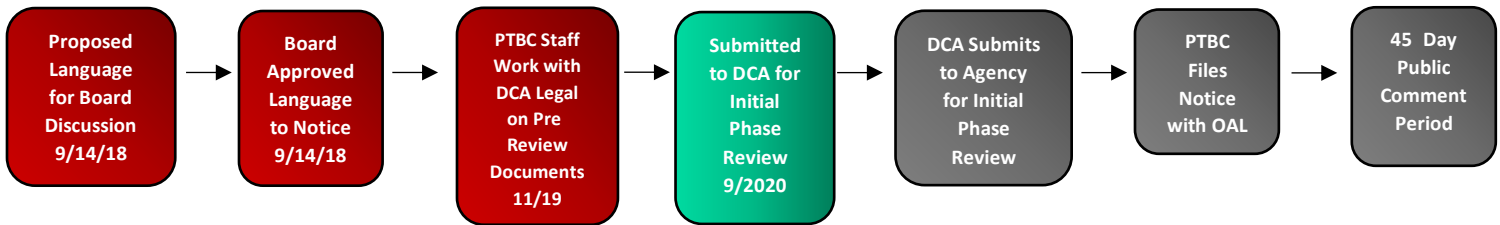
**Notes:** This regulation proposes to amend CCR 1398.26.1, Article 2, Division 13.2 of Title 16 to restructure the Coursework Tools (CWT's) into an outline format for reading ease; adds CWT 6; provides the general rule for PTs in subdivision (b); addresses the acceptance of CWT 6 in subdivision (c), adds the PTA provision in subdivision (d) and incorporates the CWT's by reference in subdivision (e). PTBC staff presented proposed language for Board consideration at the June 2019 Board meeting and the Board approved the modified proposed language and directed PTBC staff to initiate the formal rulemaking process. In November 2019, PTBC forwarded the pre-review regulation documents (Initial Statement of Reasons, Notice and Proposed Language) to DCA Legal for review. In September 2020, PTBC staff forwarded the initial rulemaking package to DCA Legal for review. In late April 2021, the initial rulemaking package was returned with suggested edits and Board staff returned the rulemaking package to DCA Legal for review and approval on April 18, 2022.



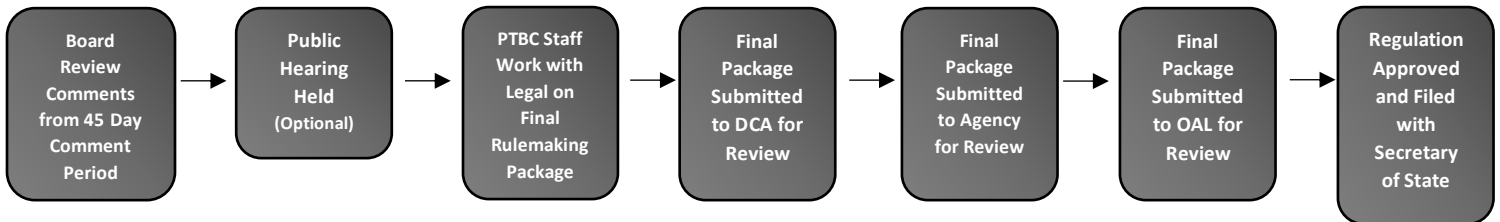
# 2022 Rulemaking Update

## FSBPT's Performance Evaluation Tool (PET) for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States

Initial Phase:



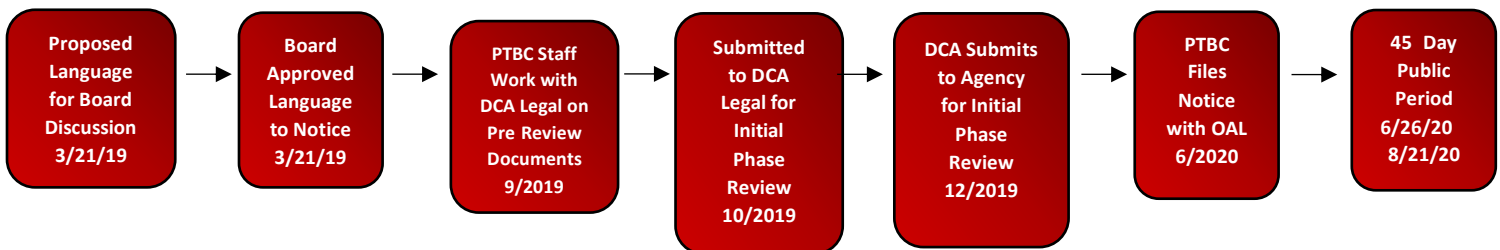
Final Phase:



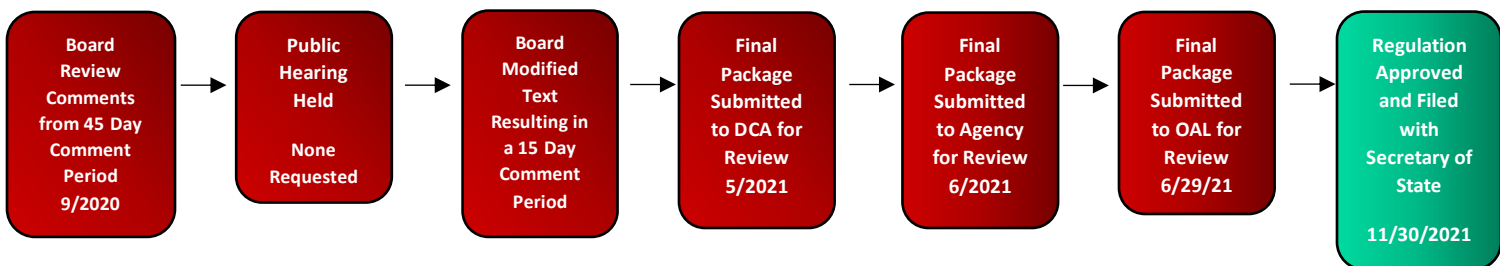
**Notes:** This regulation proposes to amend CCR 1398.26.5, Article 2, Division 13.2 of Title 16. This proposed regulation will allow supervising physical therapists the option to utilize FSBPT's Supervised Clinical Practice Performance Evaluation Tool (PET) for evaluating a physical therapist license applicant in addition to APTA's Clinical Performance Instrument. Proposed regulatory language was presented and adopted at the September 2018 Board Meeting. In September 2020, PTBC staff submitted the initial rulemaking package to DCA Legal for review. Upon further review, DCA Legal and OAL determined that the PET and CPI would need to be incorporated by reference and since this is a non-substantive change the language will be modified to reflect this which is within the Executive Officer's delegation. PTBC staff submitted the rulemaking package to DCA Legal for review and approval on April 18, 2022.

## Substantial Relationship Criteria, Rehabilitation Criteria for Denial and Reinstatement of Licensure and Rehabilitation Criteria for Suspension and Revocations (AB 2138)

Initial Phase:



Final Phase:

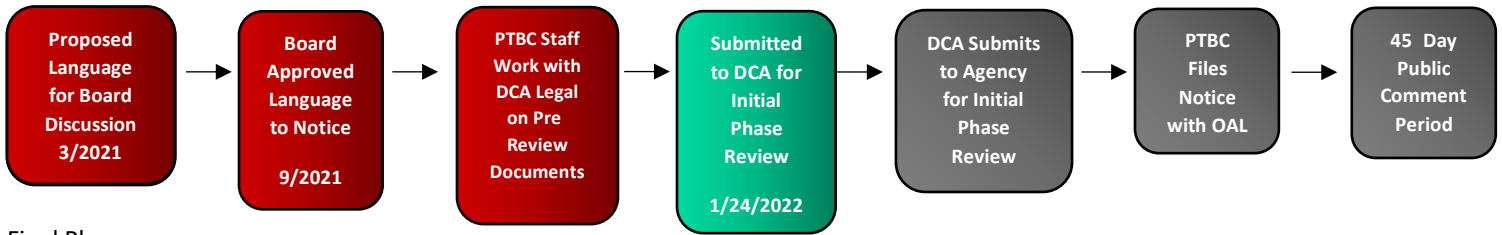


**Notes:** This regulation proposes to amend CCR 1399.20, 1399.21 and 1399.22, Article 8, Division 13.2 of Title 16. AB 2138 (Chiu, Chapter 995, Statutes of 2018) requires that the Board promulgate regulations by July 1, 2020 to implement, interpret and make specific BPC Sections 141, 480, 481, 482, 488, 493, 2660 and 2660.5 with respect to the substantial relationship of a crime and rehabilitation criteria. The regulation became effective upon filing with the Secretary of State on November 11, 2021.

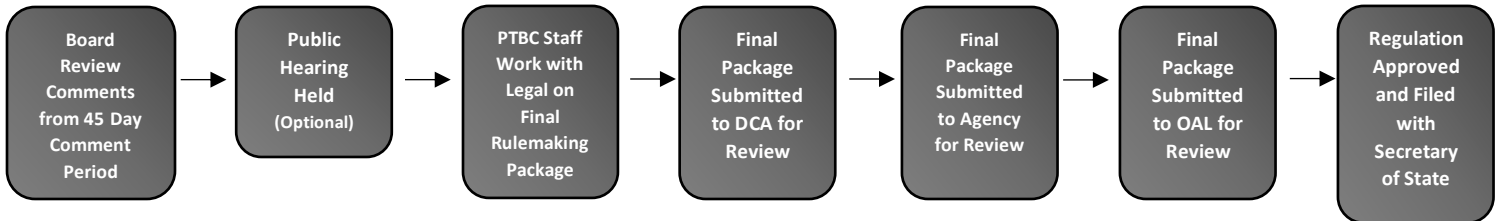
# 2022 Rulemaking Update

## License Renewal Exemptions: Retired License Status

Initial Phase:



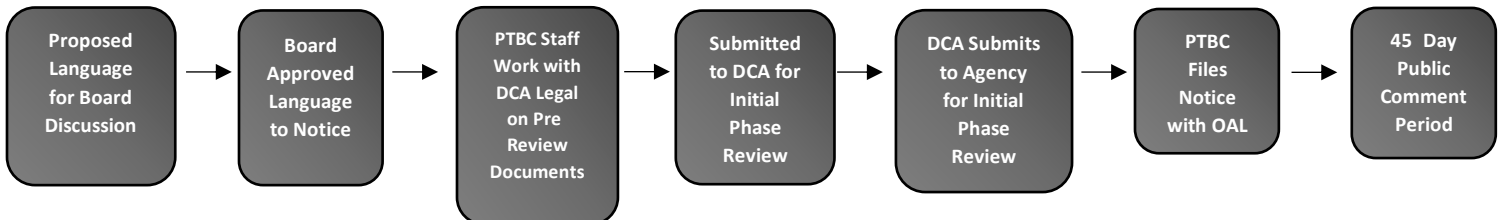
Final Phase:



**Notes:** This regulation proposes to add CCR 1399.57, to Article 10, Division 13.2 of Title 16. BPC Section 2648.7 was repealed effective July 1, 2019 which removed the existing, unclear retired license statute and allowed the PTBC to rely on the new retired license statute BPC Section 464 (AB 2859). This proposed regulation was placed on the 2021 Rulemaking Calendar that was adopted at the Board meeting on December 10, 2020. At the March 2021 Board meeting proposed language was presented for Board consideration and staff worked with DCA Legal to address concerns addressed with the language. Board approved language for Notice on September 16, 2021. Board submitted the rulemaking package to DCA legal on January 24, 2022. Staff and legal worked on the initial rulemaking package and it went to DCA Legal for final review on March 14, 2022. Once the rulemaking package is approved by DCA it will go to Agency for their review.

## Continuing Competency

Initial Phase:



Final Phase:



**Notes:** This regulation proposes to amend CCR 1399.90 – 1399.99, Article 14, Division 13.2 of Title 16. This proposed regulation was placed on the 2021 Rulemaking Calendar that was adopted at the Board meeting on December 12, 2020. PTBC staff are in the process of researching and developing proposed language for consideration by the Board at a future meeting date.



# **2022 Rulemaking Update**

## **Changes without regulatory effect pursuant to section 100 of the California Code of Regulations**

The Board proposes to make changes without regulatory effect to the following sections of the CCR:

- **Supervision of Physical Therapist Assistant License Applicants**

The amendment of section 1399.12 is necessary to reflect the repeal and amendment of underlying statutory authority for these regulatory provisions. BPC section 2655.91 was repealed and replaced with BPC section 2639, operative January 1, 2014 (Senate Bill No. 198 Status 2014, ch. 389).

- **Sponsored Free Health Care Events – Requirements for Exemption**

The deletion of Article 14 of Division 13.2 of Title 16 of the California Code of Regulations, inclusive of Sections 1399.99.1, 1399.99.2, 1399.99.3, and 1399.99.4 and Forms 901-A “Registration of Sponsoring Entity Under Business & Professions Code Section 901,” incorporated by reference into Title 16, CCR § 1399.99.2 and Form 901-B (PTBC 901-B 11/2/2011), “Request For Authorization To Practice Without A License,” incorporated by reference into Title 16, CCR § 1399.99.3. These deletions are necessary to reflect the repeal of underlying statutory authority for these regulatory provisions. Specifically, Business and Professions Code section 901, the statutory authority for the regulatory provisions the Board proposes to delete, was repealed, operative January 1, 2018 (Assem. Bill No. 512 Stats. 2013, Ch. 111, § 1). Subdivision (I) of section 901 extended a previous sunset date from 2014 to 2018, but there have been no further extensions.

These were both filed with OAL on March 2, 2022. OAL has 30 business days to review and either approve or deny the changes and if approved they will become effective on the date of approval.

### 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 <sup>st</sup> – November 30 <sup>th</sup> .....	January 1 <sup>st</sup>
December 1 <sup>st</sup> – February 29 <sup>th</sup> .....	April 1 <sup>st</sup>
March 1 <sup>st</sup> – May 31 <sup>st</sup> .....	July 1 <sup>st</sup>
June 1 <sup>st</sup> – August 31 <sup>st</sup> .....	October 1 <sup>st</sup>



## **Briefing Paper**

## **Agenda Item 15(A)**

**Date:** March 10, 2022

**Prepared for:** PTBC Members

**Prepared by:** Kenneth Meiss, Budget Liaison

**Subject:** Budget Report

---

### **Purpose:**

To provide an update on the PTBC's Budget activities for Q1 and Q2, CY2021-22.

Attachments: 

1. [Expenditure Report](#)
2. [Expenditure Measures Report \(Q1\)](#)
3. [Expenditure Measures Report \(Q2\)](#)
4. [Revenue Report](#)
5. [Revenue Measures Report \(Q1\)](#)
6. [Revenue Measures Report \(Q2\)](#)

---

### **Background:**

The PTBC Budget Report is a quarterly review of the expenditures and revenues, including budget activities and analysis for the current fiscal year. The report reflects data collected from the Quarterly Department of Consumer Affairs Budget Office Projection Report and is generated by staff quarterly: Jul-Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr-Jun (Q4).

CY2021-22, according to the Governor's Budget, the PTBC is authorized \$6,591,000 which includes personnel services, operating expenses and equipment, and 27.4 positions to support program requirements. The Operating Expenses (PERS SVS/OE&E) budget for (CY21-22) has increased 12.7% over last fiscal year's budget allotment of \$5,750,000 (2020-21).

On 3/27/20, the DCA Budget Office initiated COVID-19 cost tracking. This initiative directs the PTBC to track all costs associated with COVID19, including staff work hours spent on COVID19. An Analyst for the Board had been exclusively working on contact tracing program from 6/30/20 through 6/30/21. The Budget Office stated that the Board will be reimbursed \$94,000 for contract tracer reimbursement for PY20-21 cost. The reimbursement will occur after year-end and will be deposited into the Board's fund.

---

### **Analysis:**

PTBC expended \$2,007,719 in Q1 (CY21-22), a 19.7% increase from previous fiscal year's Q1 expenditures of \$1,610,637 (PY20-21). The PTBC's expenditures in Q2 (CY21-22) are \$1,662,335, a 17% increase over previous year's Q2 expenditures of \$1,376,876 (PY20-21).

PTBC collected \$1,796,000 during Q1 (CY21-22) a 9.2% increase over Q1 revenue of \$1,630,900 last fiscal year (PY20-21). PTBC's revenues for Q2 of (PY21-22) were \$2,099,683, a 1.3% increase

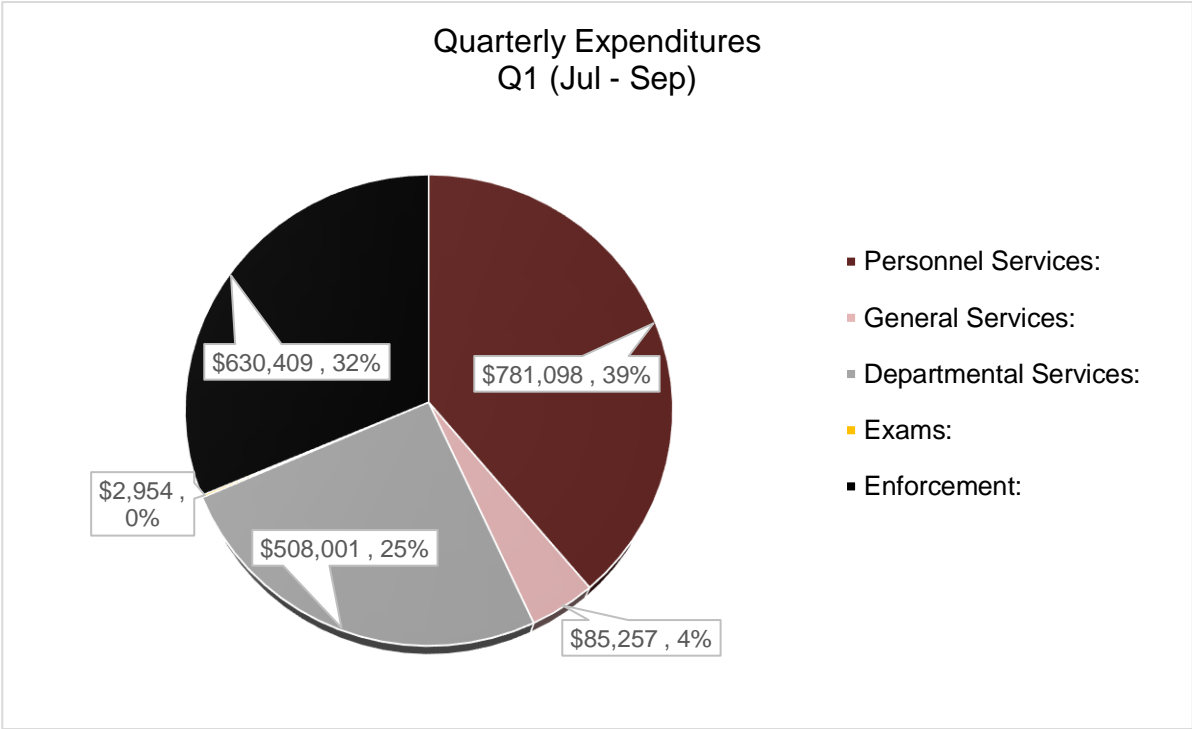
from Q2 last fiscal year \$2,071,348 (PY20-21). Historically, the PTBC revenues increase by at least 1-2%.

---

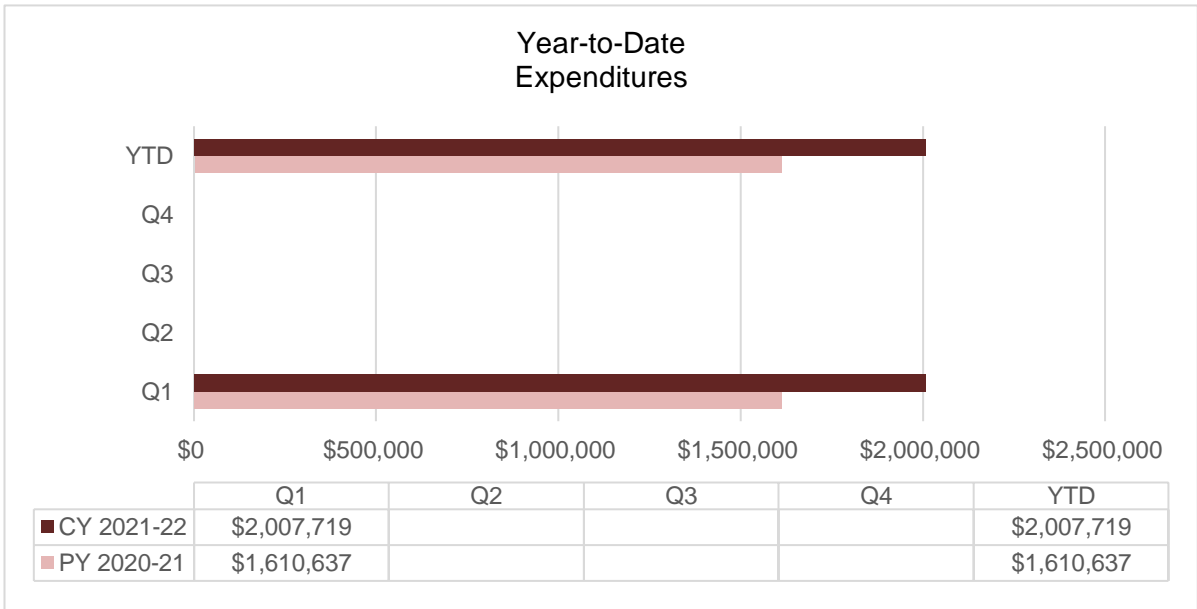
**Action Requested:** No action requested.

Expenditure Statistics Report										
Budget Line Items	PY 2021 21		Authorized Budget	CY 2021 22					Percent Budget Spent	Balance Remaining
	Q1 Jul Sep	Q2 Oct Dec		Q1 Jul Sep	Q2 Oct Dec	YTD				
PERSONNEL SERVICES										
Civil Services Permanent	351,239	367,212	1,714,000	438,648	449,770	888,418	52%	825,582		
Temp help	5,393	9,260	0	17,384	23,910	41,294	-	(41,294)		
Statutory Exempt	24,673	24,934	77,000	28,342	28,602	56,944	74%	20,056		
Board Members	6,300	12,636	12,000	6,900	12,800	19,700	164%	(7,700)		
Overtime	0	0	0	0	0	0	-	0		
Staff Benefits	242,897	243,463	1,083,000	289,824	288,632	578,456	53%	504,544		
TOTAL PERS SVS	630,502	657,505	2,886,000	781,098	803,714	1,584,812	55%	1,301,188		
OPERATING EXPENSES & EQUIPMENT										
General Services Totals	39,932	76,490	691,000	85,257	111,038	196,295	28%	494,705		
Fingerprints	2,352	7,125	99,000	3,430	8,162	11,592	12%	87,408		
General Expense	4,780	2,043	28,000	1,162	7,754	8,916	32%	19,084		
Minor Equipment	275	2,321	10,000	0	3,851	3,851	39%	6,149		
Major Equipment	0	0	0	0	0	0	-	0		
Printing	4,163	5,169	17,000	3,472	5,245	8,717	51%	8,283		
Communications	960	1,981	17,000	1,831	1,150	2,981	18%	14,019		
Postage	23	0	9,000	0	2,562	2,562	28%	6,438		
Insurance	0	0	0	0	0	0	-	0		
Travel in State	0	91	13,000	85	228	313	2%	12,687		
Training	0	0	14,000	0	0	0	0%	14,000		
Facilities Operations (Rent/Leases)	25,951	28,145	261,000	58,209	59,086	117,295	45%	143,705		
C&P SRVS Internal (Inter Dept. SRVS Other)	0	229	12,000	0	482	482	4%	11,518		
C&P Services External	1,428	29,386	211,000	17,068	22,518	39,586	19%	171,414		
Departmental Services Totals	484,421	242,025	1,080,000	508,001	252,924	760,925	70%	319,075		
Office of Information Services (CCSD-ProRata)	484,000	242,000	550,000	260,000	130,000	390,000	71%	160,000		
Administrative Services Division (CCSD-ProRata)	0	0	459,000	244,500	122,250	366,750	80%	92,250		
Interagency Services	0	0	37,000	0	0	0	0%	37,000		
Consolidated Data Center (5344000)	0	0	18,000	0	0	0	0%	18,000		
Information Technology	421	25	16,000	3,501	674	4,175	26%	11,825		
Exams Totals	563	748	0	2,954	459	3,413	-	0		
Exam Admin External	563	748	0	2,954	459	3,413	-	(3,413)		
Enforcement Totals	455,219	400,108	1,993,000	714,713	469,281	1,183,994	59%	809,006		
Attorney General	78,506	185,425	794,000	209,782	171,426	381,208	48%	412,792		
Office of Admin Hearings	0	11,948	110,000	0	36,344	36,344	33%	73,656		
Evidence/Witness	975	12,188	100,000	10,431	12,735	23,166	23%	76,834		
Court Reporters	738	3,047	0	0	1,526	1,526	-	(1,526)		
DOI Investigation (ProRata)	375,000	187,500	989,000	494,500	247,250	741,750	75%	247,250		
TOTAL OE & E	980,135	719,371	3,764,000	1,310,925	833,702	2,144,627	57%	1,619,373		
TOTALS, PERS SVS/OE&E	1,610,637	1,376,876	6,650,000	2,092,023	1,637,416	3,729,439	56%	2,920,561		
*Fingerprint Reimbursements	-9,212	-6,762	-97,000	(15,533)	(6,713)	(22,246)	23%	(74,754)		
*Other Scheduled Reimbursements	0	0	-2,000			0	0%	(2,000)		
Un-Scheduled Reimbursements	-44,807	-18,854		(32,488)	(11,954)	-44,442	-	0		
TOTAL REIMBURSEMENTS	-54,019	-25,616	-99,000	(48,021)	(18,667)	(66,688)	1	32,312		
TOTALS, PERS SVS/OE&E (-REIM)	1,556,618	1,351,260	6,551,000	2,044,002	1,618,749	3,662,751	56%	2,888,249		

Q1  
CY 2021-22



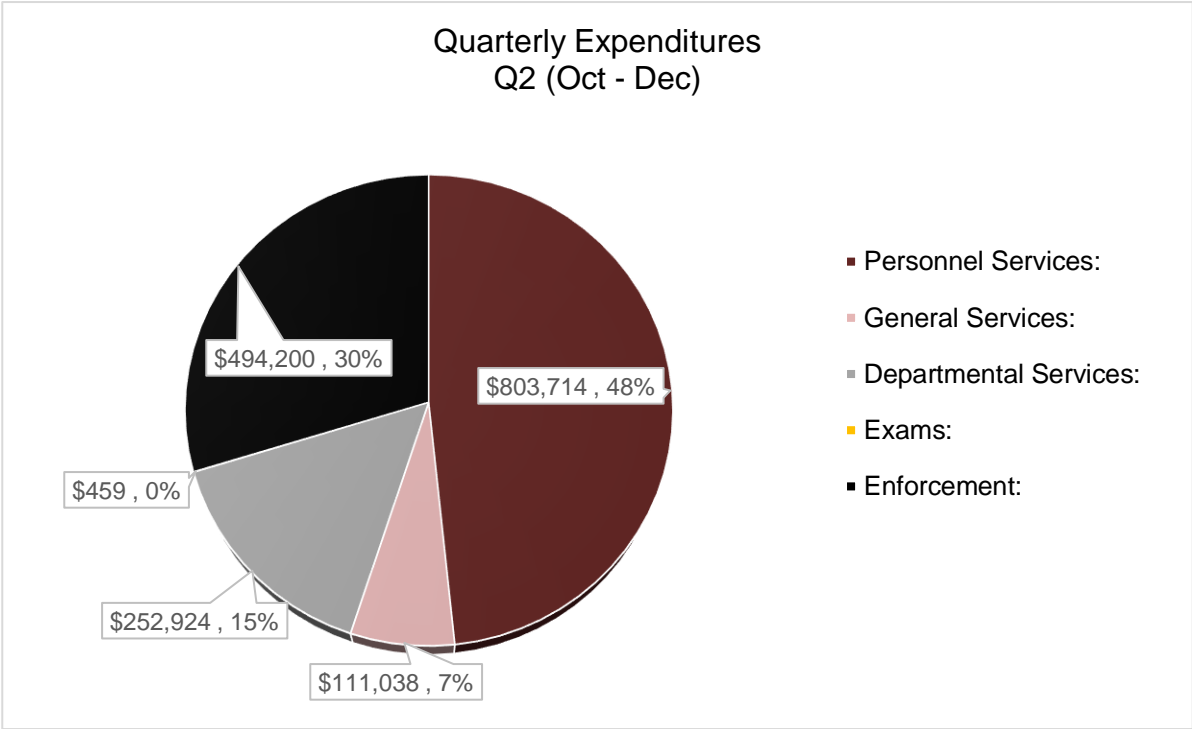
- 1. Chart shows expenses and % of expenses by quarter.
- 2. Chart reveals Personnel Services was highest expense, followed by Enforcement cost.



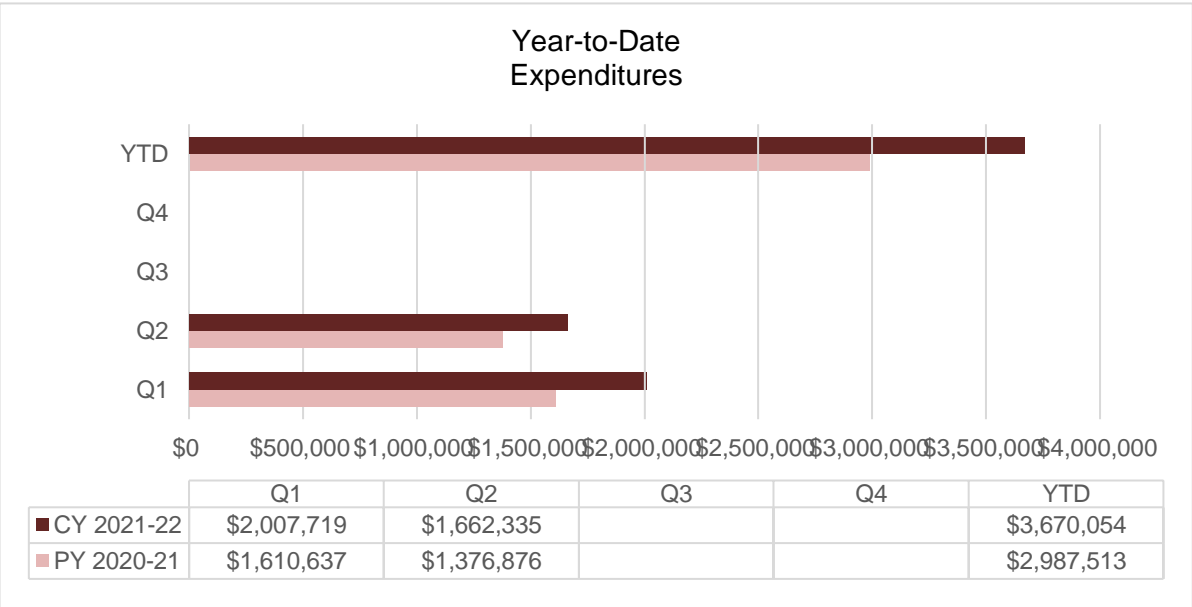
PY 2020-21  
CY 2021-22

- 1. Chart shows expenditures by quarter and year to date.
- 2. CY Expenses increased by \$397,082 (21.94%) over previous fiscal year.

Q2  
CY 2021-22



- 1. Chart shows expenses and % of expenses by quarter.
- 2. Chart reveals Personnel Services was highest expense, followed by Enforcement cost.

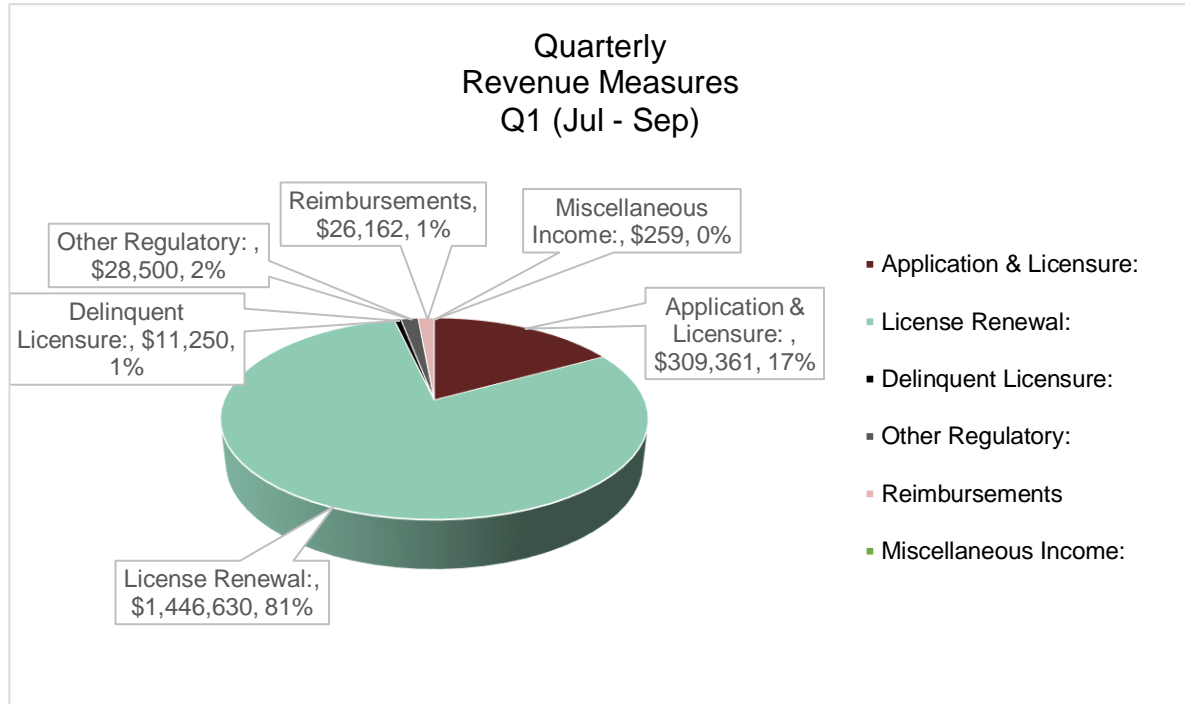


PY 2020-21  
CY 2021-22

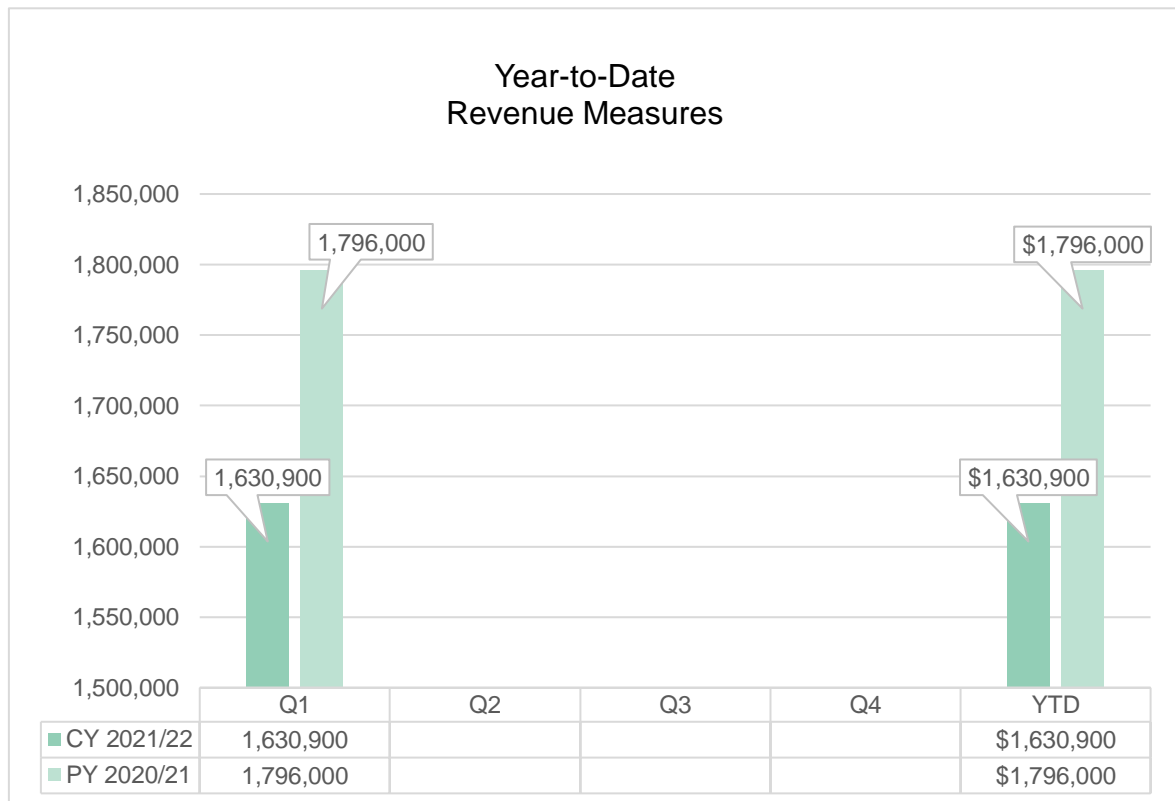
- 1. Chart shows expenditures by quarter and year to date.
- 2. CY Expenses increased by \$682,541 (22.84%) over previous fiscal year.

Revenue Statistics Report								
Revenue Line Items	FY 2020 21			CY 2021 22				
	Q 1 Jul Sep	Q 2 Oct Dec	YTD (As of 12/31/20)	Q1 Jul Sep	Q2 Oct Dec	Q3 Jan Mar	Q4 Apr Jun	YTD (As of 12/31/21)
Cite and Fine (Citations)	6,650	1,600	38,350	4,650	3,550	0	0	8,200
Endorsement (License Verification)	19,740	18,900	76,920	20,400	18,840	0	0	39,240
Duplicate License / Certificate	1,800	2,050	13,500	3,450	3,600	0	0	7,050
TOTALS	28,190	22,550	128,770	28,500	25,990	0	0	54,490
INITIAL APPLICATION & LICENSE								
FPTA Application & Initial License Fee	2,400	3,300	16,600	2,400	3,600	0	0	6,000
FPT Application Fee	10,549	10,800	67,849	13,549	9,000	0	0	22,549
ENMG Exam Fee	0	0	0	0	0	0	0	0
ENMG Application Fee	0	0	0	0	0	0	0	0
KEMG Exam Fee	0	0	0	0	0	0	0	0
KEMG Application Fee	0	0	0	0	0	0	0	0
PTA Application & Initial License Fee	47,100	48,600	176,400	61,800	46,500	0	0	108,300
PT Application Fee	141,399	91,999	526,748	151,200	101,650	0	0	252,850
PT Initial License Fee	74,599	49,650	279,949	81,000	57,999	0	0	138,999
Refunded Reimbursements	0	-736	-556	0	-507	0	0	-507
Overt/Short Fees	0	0	0	2	0	0	0	2
Suspended Revenue	5,401	1,010	16,045	4,260	1,500	0	0	5,760
Prior Year Revenue Adjustment	-1,347	-2,462	-13,362	-4,850	-6,904	0	0	-11,754
TOTALS	280,101	202,161	1,069,673	309,361	212,838	0	0	522,199
LICENSE RENEWAL								
PTA Renewal Fee	288,600	385,050	1,078,049	317,700	378,000	0	0	695,700
PT Renewal Fee	1,020,100	1,439,450	3,920,750	1,128,630	1,467,300	0	0	2,595,930
ENMG	0	150	600	150	100	0	0	250
KEMG	100	200	800	150	200	0	0	350
Automated Revenue Refund Claim	100	0	0	0	0	0	0	0
Overt/Short Fees	0	0	0	0	0	0	0	0
TOTALS	1,308,900	1,824,850	5,000,199	1,446,630	1,845,600	0	0	3,292,230
DELINQUENT LICENSE RENEWAL								
PTA Delinquent Fee	2,100	1,950	7,000	3,000	1,950	0	0	4,950
PT Delinquent Fee	9,600	6,550	27,450	8,250	9,300	0	0	17,550
EN Delinquent Fee	0	0	0	0	0	0	0	0
EK Delinquent Fee	0	50	0	0	0	0	0	0
TOTALS	11,700	8,550	34,450	11,250	11,250	0	0	22,500
MISCELLANEOUS								
Public Sales	0	0	0	0	0	0	0	0
Surplus Money Investments	0	11,144	86,486	0	3,846	0	0	3,846
Attorney General Proceeds	0	0	0	0	0	0	0	0
Unclaimed/Cancelled Warrants	1,959	2,068	2,552	259	159	0	0	418
Miscellaneous Income	50	25	150	0	0	0	0	0
TOTALS	2,009	13,237	89,188	259	4,005	0	0	4,264
SCHEDULED REIMBURSEMENTS								
Fingerprint Reports	9,212	6,762	40,475	9,359	6,713	0	0	16,072
External/Private/Grant	0	0	0	0	0	0	0	0
TOTALS	9,212	6,762	40,475	9,359	6,713	0	0	16,072
UNSCHEDULED REIMBURSEMENTS								
Cost Recovery - Investigations	40,782	14,329	134,644	9,703	8,604	0	0	18,307
Cost Recovery - Probation Monitoring	4,025	4,525	12,359	7,100	3,350	0	0	10,450
TOTALS	44,807	18,854	147,003	16,803	11,954	0	0	28,757
TOTAL REVENUES	1,630,900	2,071,348	6,322,280	1,796,000	2,099,683	0	0	3,895,683

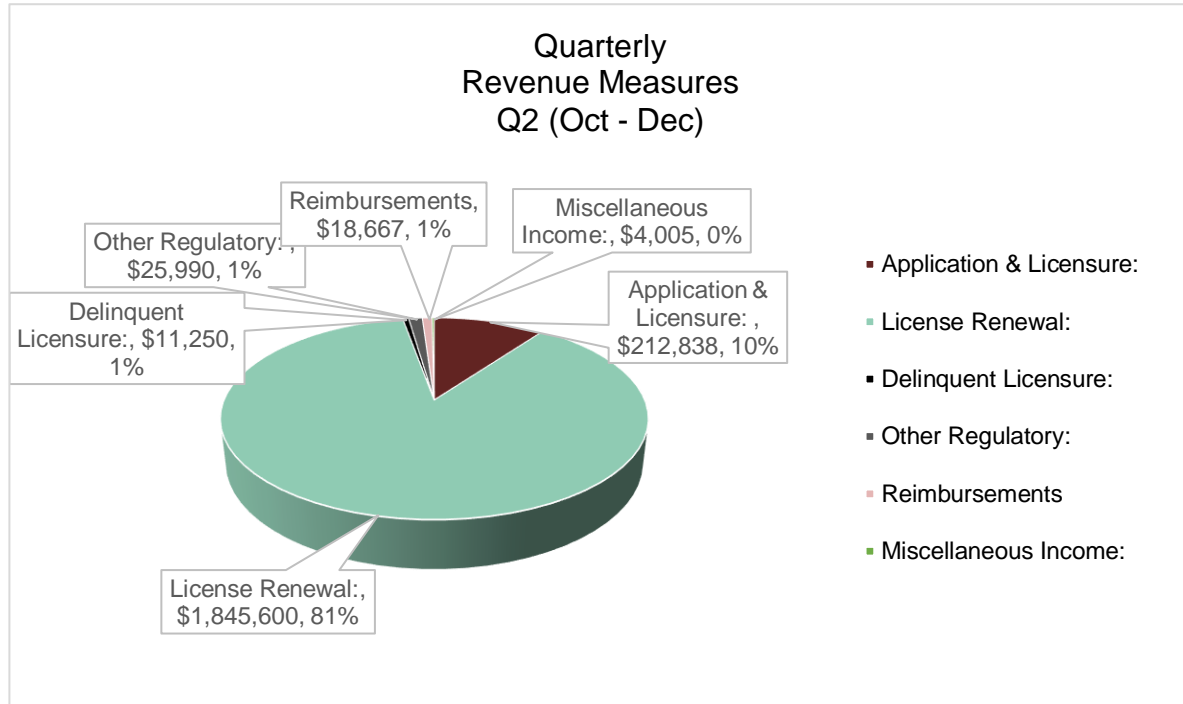




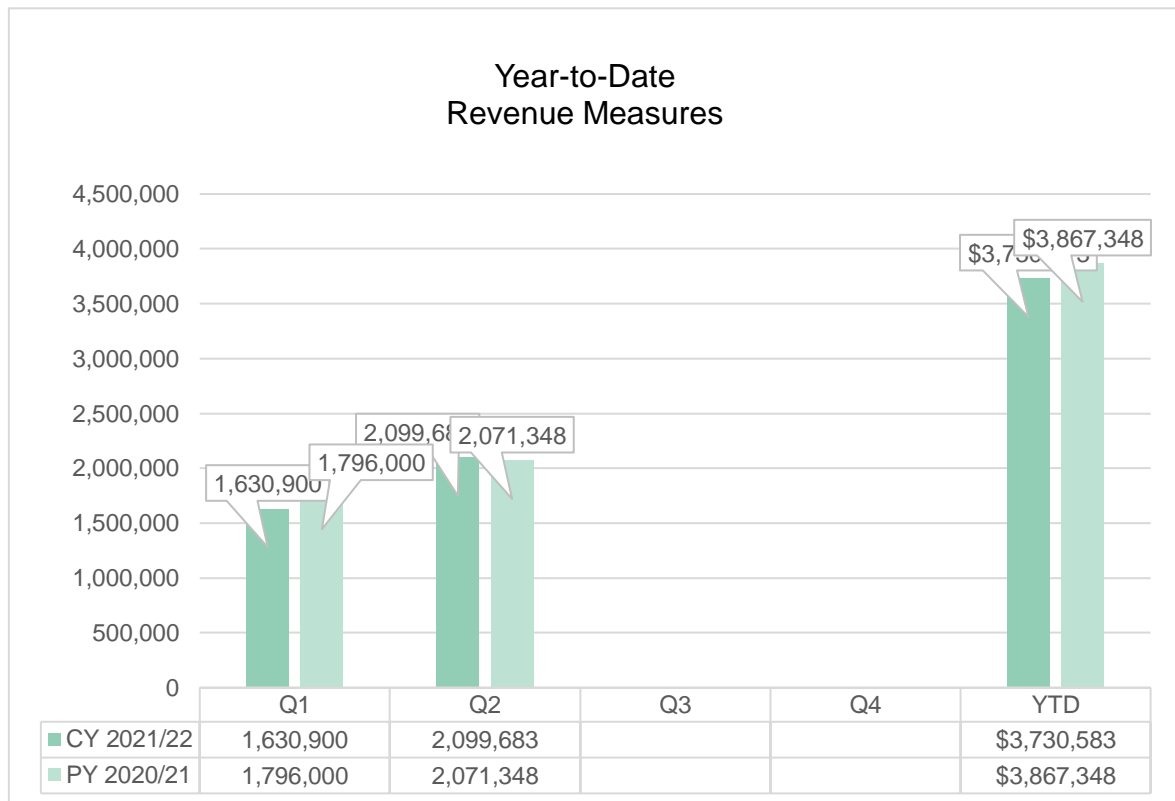
1. Chart shows Q1 revenues and % contributed to the quarterly total revenues collected.
2. Chart reveals, license renewals was the highest contributing revenue, followed by application and initial licensure.



1. Chart shows revenues collected by quarter and year to date.
2. Chart reveals a 165,100 (10.12%) decrease in revenues over previous fiscal year.



1. Chart shows Q2 revenues and % contributed to the quarterly total revenues collected.
2. Chart reveals, license renewals was the highest contributing revenue, followed by application and initial licensure.



1. Chart shows revenues collected by quarter and year to date.
2. Chart reveals a 136,765 (3.66%) decrease in revenues over previous fiscal year.



## **Briefing Paper**

## **Agenda Item 15(B)**

**Date:** February 22, 2022

**Prepared for:** PTBC Members

**Prepared by:** April Beauchamps, Outreach Liaison

**Subject:** Outreach Report

---

**Purpose:** To provide PTBC's Outreach activities and statistics for Q1 and Q2 CY 2021/22.

**Attachments:**

1. Website Statistics (Q1)
2. Website Statistics (Q2)
3. Facebook Statistics (Q1)
4. Facebook Statistics (Q2)

---

### **Background:**

The PTBC Outreach Report is a quarterly review of the Website and Facebook activities and analysis of those activities for the current fiscal year in comparison to the previous fiscal year. The website statistics is collected from Google Analytics, and Facebook statistics is collected directly from the "insight reports" from Facebook reporting system; and, generated by PTBC staff on a quarterly basis: Jul -Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr- Jun (Q4).

During Quarter (Q1) PTBC did have 10 outreach events virtually due to the COVID-19 pandemic. PTBC provided virtual presentations to Community Based Education and Development College on 7/13/21, American Career College on 7/15/21, West Coast University on 8/10/21, Azusa Pacific on 8/18/21, Mount St. Mary's on 9/22/21, California State University, Sacramento on 9/10/21 and 9/24/21, Gurnick on 9/17/21, and Samuel Merritt on 9/29/21. The PTBC also presented on continuing competency for CPTA on 7/28/2021.

During Quarter (Q2) PTBC did have seven outreach events virtually due to the COVID-19 pandemic. PTBC provided virtual presentations to California State University, Sacramento on 10/1/21 and 10/8/21, Western University on 10/7/21, California State University, Long Beach on 10/19/21, Community Based Education and Development College on 10/26/21, and Chapman University on 11/29/21. The PTBC also presented on Reaching Stakeholders Through Effective Communication with FSBPT on 11/2/2021.

---

## **Analysis:**

### **Website –**

PTBC had 41,349 web-hits through its home page tabs, resulting in an 3% decrease over last fiscal year (Q1). The “Laws” section had the most significant decrease of 30% compared to prior fiscal year (Q1).

PTBC had 36,446 web-hits through its home page tabs, resulting in an 4% decrease over last fiscal year (Q2). The “Laws” section had the most significant decrease of 29% compared to prior fiscal year (Q2).

### **Facebook<sup>1</sup> -**

PTBC had 18,126 people access (traffic) our FB page and we received 43 “likes”. In comparison to last fiscal year (Q1), there was a 34% decrease in traffic.

PTBC had 10,892 people access (traffic) our FB page and we received 42 “likes”. In comparison to last fiscal year (Q2), there was a 12% decrease in traffic.

---

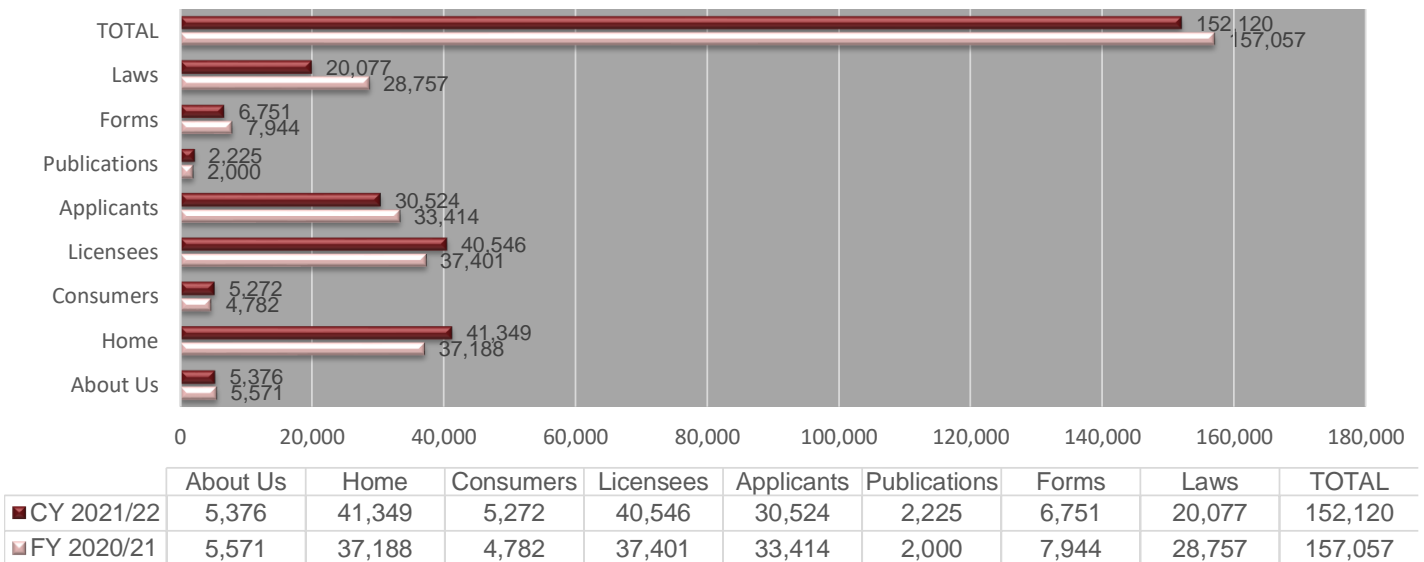
## **Action:**

No action is requested on presentation of the outreach report.

---

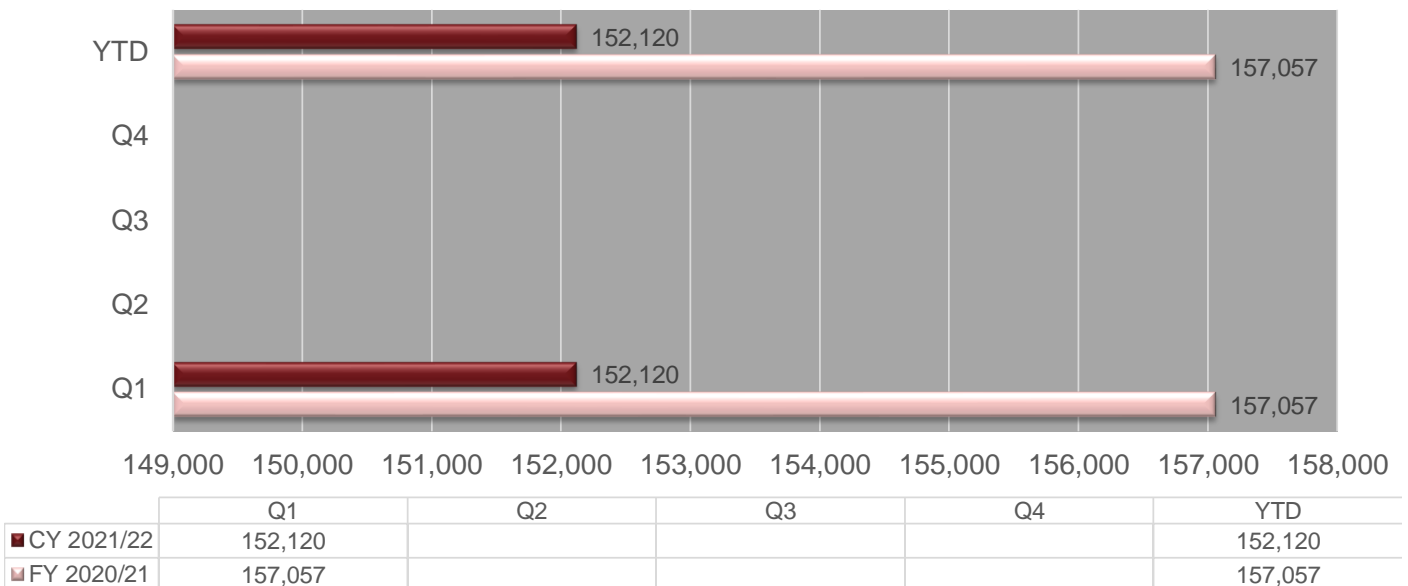
<sup>1</sup> **Facebook Insights Definitions:** **Likes**-Number of people who have liked the page. **Reached**-The number of people who have had any content from your page enter their screen. **Engaged Users**-Number of people who engaged with your page. **Consumers**-Number of people who click on any of your content. **Talked About**-Number of people talking about your page.

**Website Activity  
Q1 (Jul - Sep)**



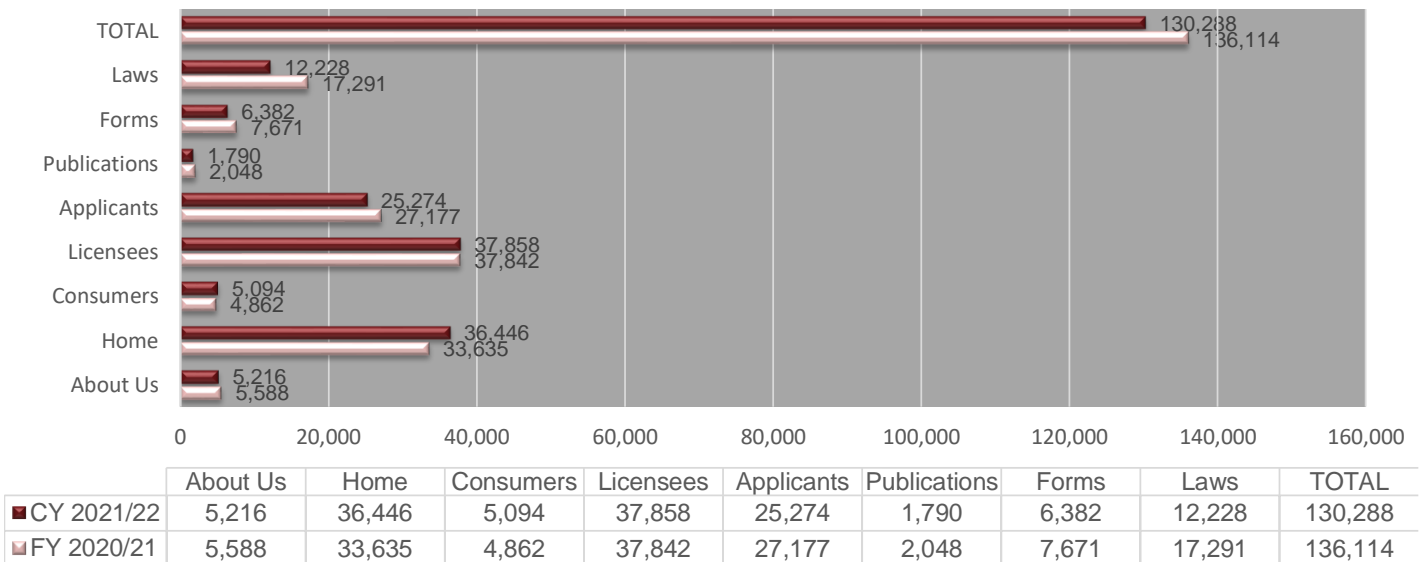
This chart reflects 3% decrease in traffic over last fiscal year (2020/21) Q1.  
Q1.

**Website Activity  
(Year-to-date)**



This chart reflects a 3% decrease over last fiscal year, year-to-date.

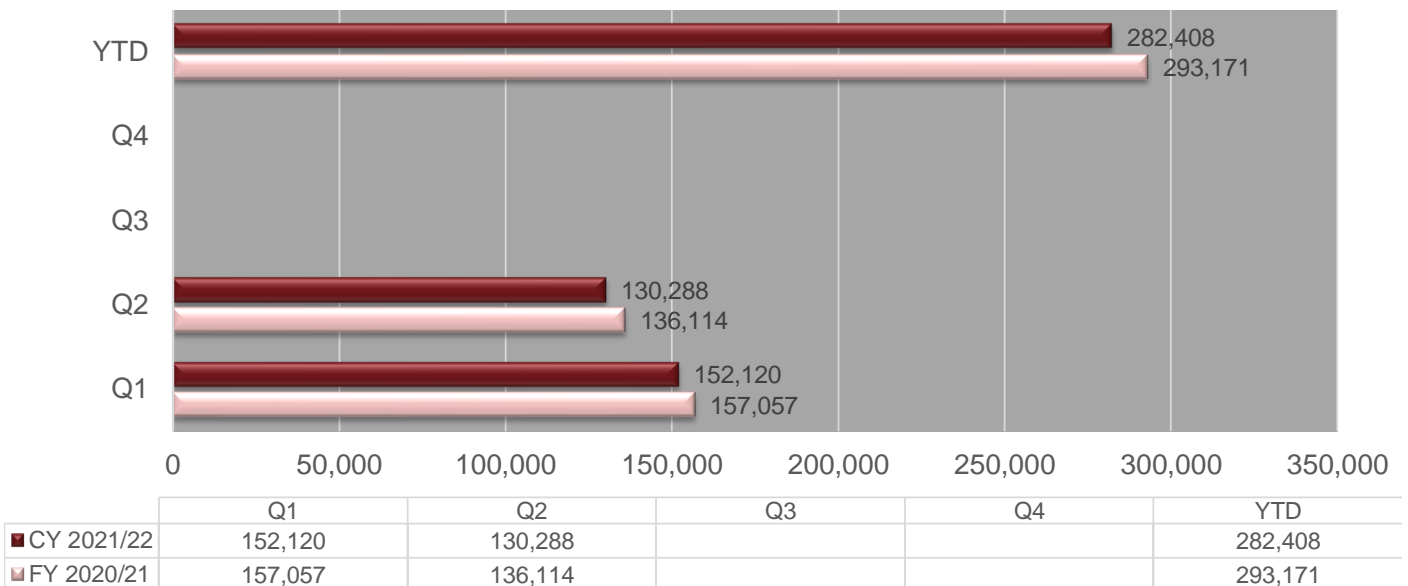
**Website Activity  
Q2 (Oct - Dec)**



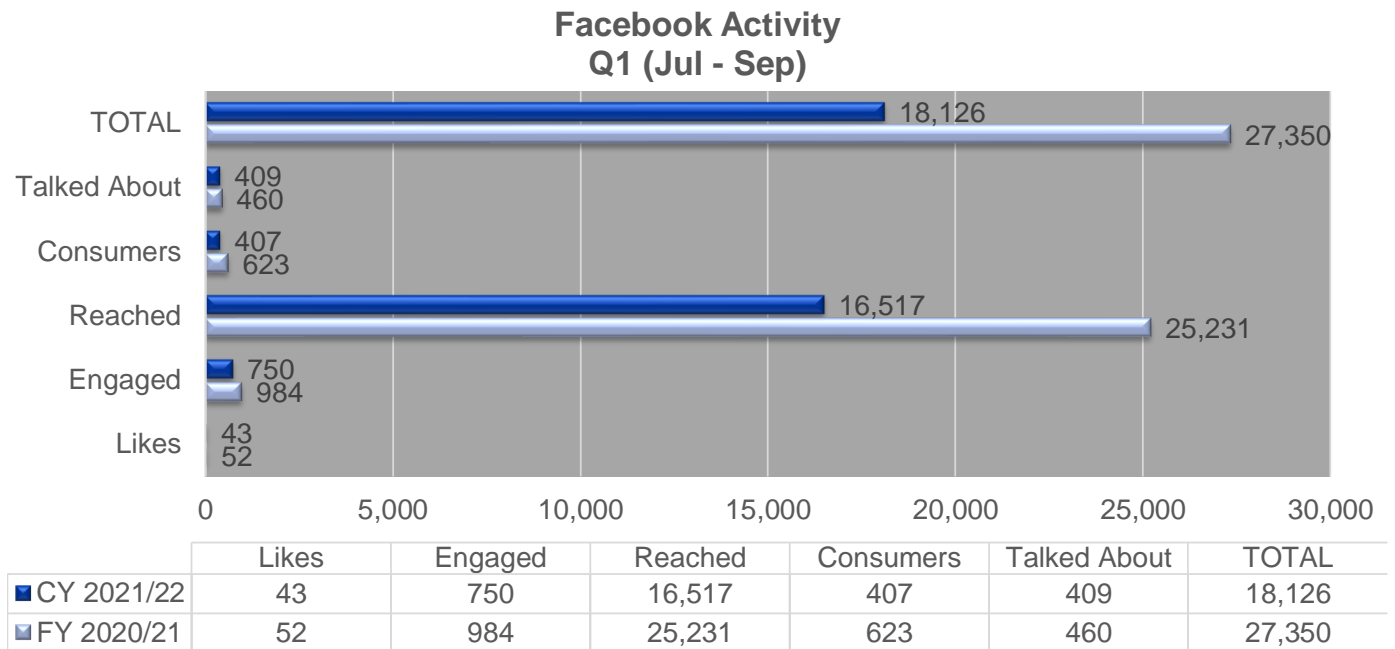
This chart reflects 4% decrease in traffic over last fiscal year (2020/21) Q2.

This chart also shows the Licensees and Home tabs were accessed the most and the publications tab had the least amount of access this Q2.

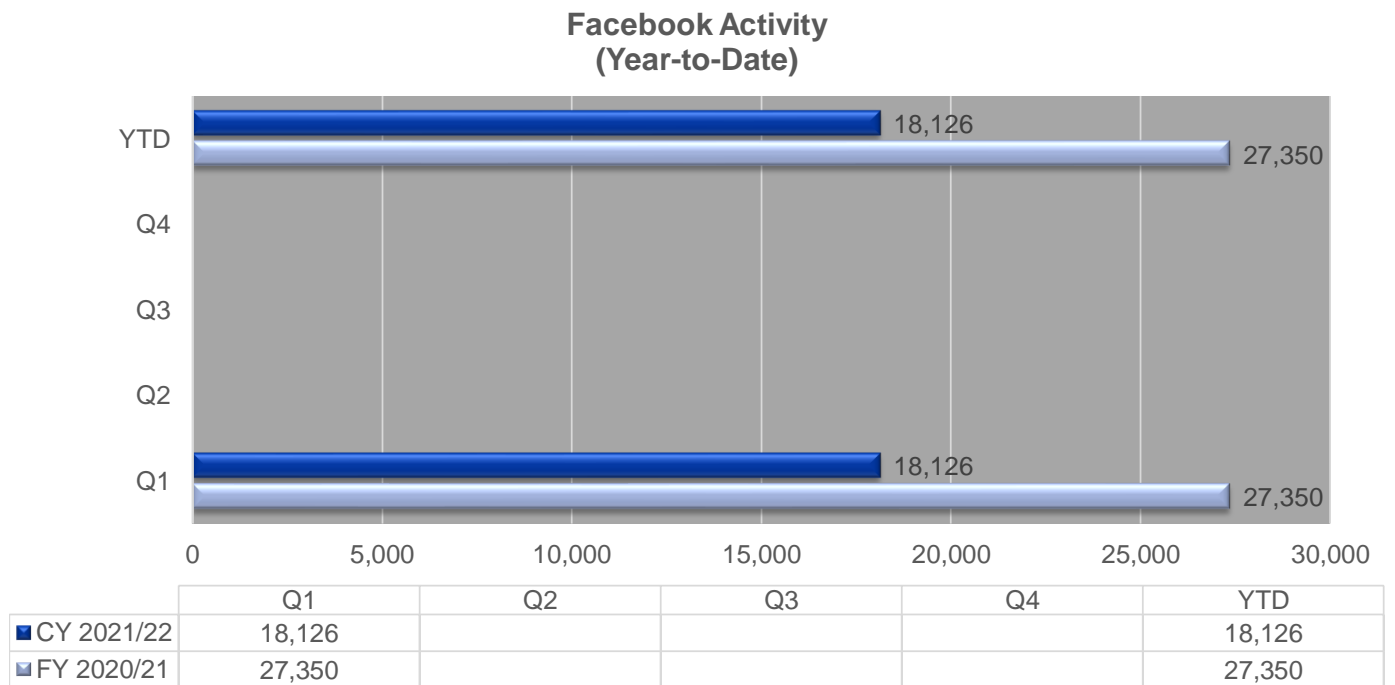
**Website Activity  
(Year-to-date)**



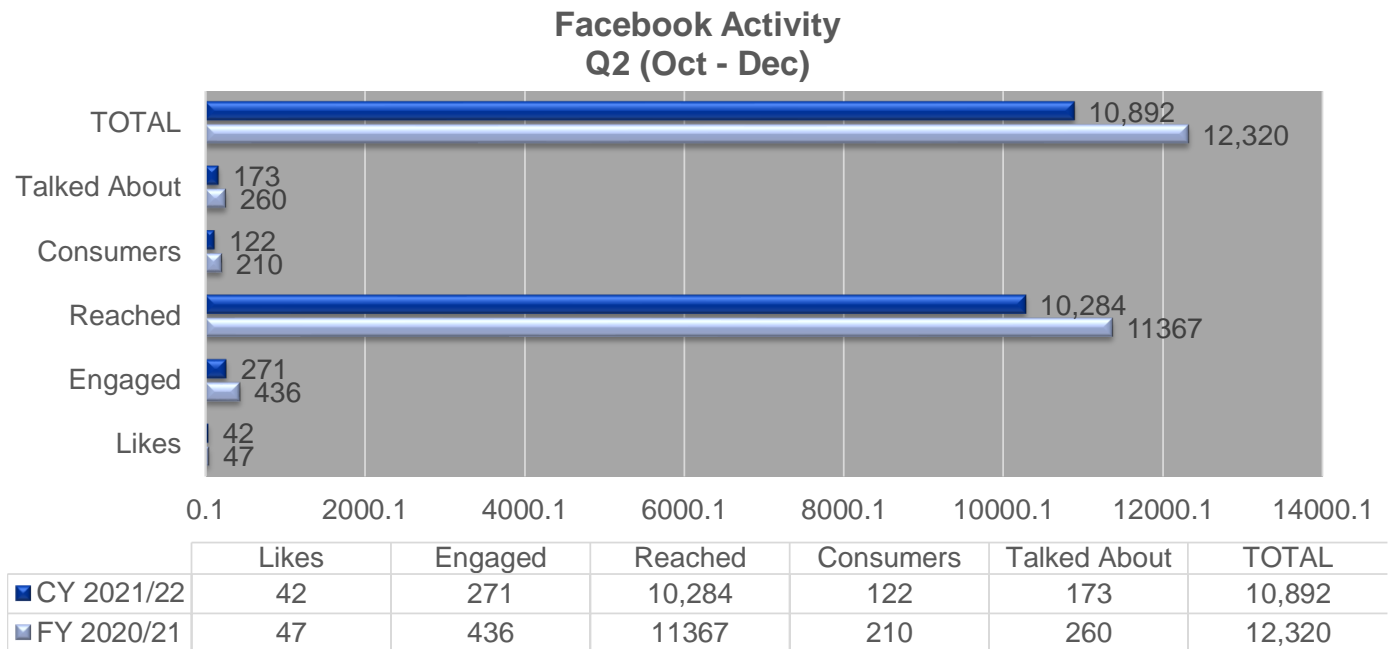
This chart reflects a 4% decrease over last fiscal year, year-to-date.



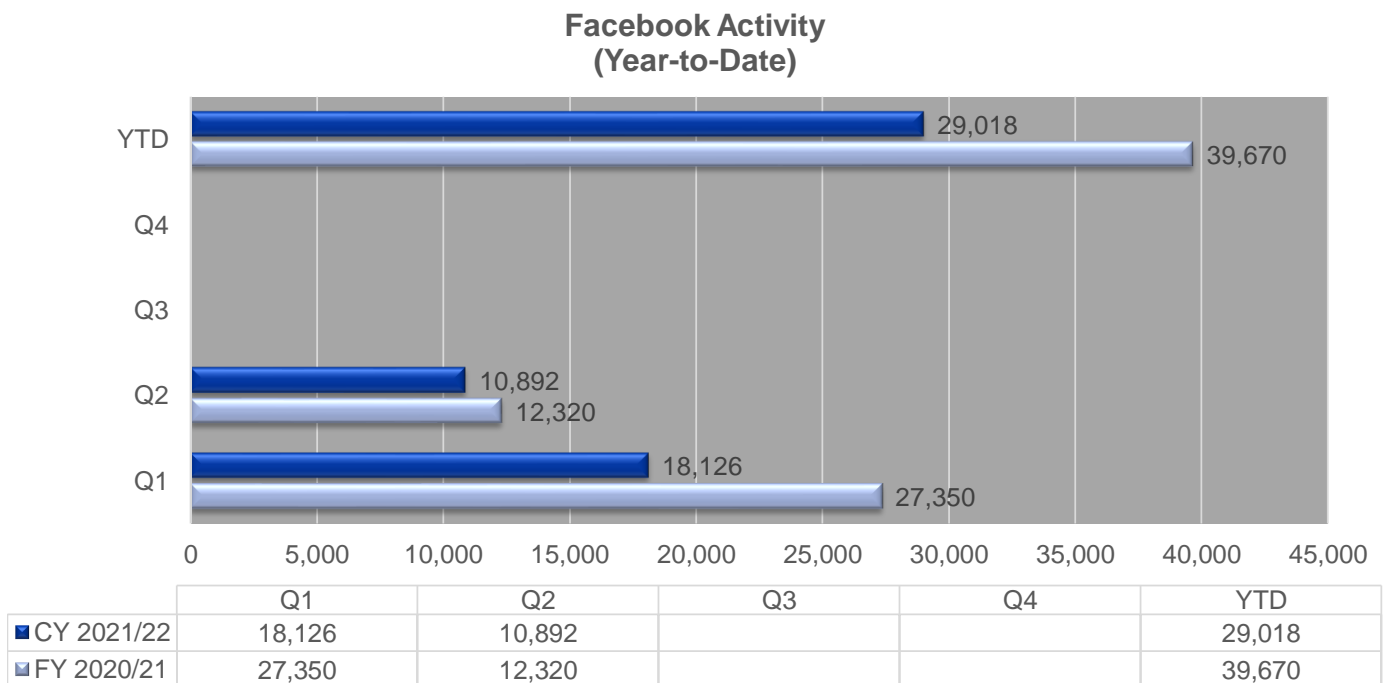
This chart reflects a 34% decrease in Facebook traffic this quarter Q1 compared to Q1 last fiscal year.



This chart reflects a 34% decrease in traffic YTD.



This chart reflects a 12% decrease in Facebook traffic this quarter Q2 compared to Q2 last fiscal year.



This chart reflects a 27% decrease in traffic YTD.





## **Briefing Paper**

## **Agenda Item 16**

**Date:** 03/01/2022  
**Prepared for:** PTBC Members  
**Prepared by:** Sarah Conley  
**Subject:** Application Services Report

---

### **Purpose:**

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

**Attachments:** [Application Services Statistics](#)  
[Examination Statistics](#)

---

### **Data Format:**

The report includes year-to-date and quarter data comparisons between the current fiscal year and the previous fiscal years. The percentages included with the program statistics actual numbers represent a portion of the total number.

---

### **Update:**

Application Services is preparing for its busy season with a high volume of physical therapy program graduations coming up. Application volume is increasing; however, with the new online application implemented in August 2021, outreach efforts, streamlined efficiencies and increased resources, staff does not anticipate a significant backlog.

Application Services' Lead Analyst, Eura Trent, is no longer with the PTBC. She will be missed, and we wish her the best in her next endeavors. The PTBC is currently in the process of recruiting to fill the now vacant Lead Analyst position.

---

### **Action Requested:**

None.

## Application Services Report Program Statistics

### Initial Applications Received

Current FY 2021/22 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	534	521 (98%)	187 (35%)	47 (9%)	17 (3%)
PTA	213	210 (99%)	34 (16%)	9 (4%)	16 (8%)
Total	747	731 (98%)	221 (30%)	56 (75%)	33 (4%)
Last FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	511	499 (98%)	197 (39%)	34 (6%)	10 (2%)
PTA	169	159 (94%)	29 (17%)	12 (7%)	11 (6%)
Total	679	658 (97%)	226 (33%)	46 (6%)	21 (3%)
Current FY 2021/22 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	534	521 (98%)	187 (35%)	47 (9%)	17 (3%)
PTA	213	210 (99%)	34 (16%)	9 (4%)	16 (8%)
Total	747	731 (98%)	221 (30%)	56 (75%)	33 (4%)
Last FY 2020/21 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	511	499 (98%)	197 (39%)	34 (6%)	10 (2%)
PTA	169	159 (94%)	29 (17%)	12 (7%)	11 (6%)
Total	679	658 (97%)	226 (33%)	46 (6%)	21 (3%)

### Licenses Issued

Current FY 2021/22 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	696	N/A	184 (26%)	31 (4%)	16 (2%)
PTA	217	N/A	25 (12%)	10 (5%)	13 (6%)
Total	913	N/A	209 (23%)	41 (4%)	29 (3%)
Last FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	699	N/A	212 (30%)	37 (5%)	5 (1%)
PTA	199	N/A	20 (10%)	15 (7%)	13 (7%)
Total	898	N/A	232 (26%)	52 (6%)	18 (2%)
Current FY 2021/22 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	696	N/A	184 (26%)	31 (4%)	16 (2%)
PTA	217	N/A	25 (12%)	10 (5%)	13 (6%)
Total	913	N/A	209 (23%)	41 (4%)	29 (3%)
Last FY 2020/21 Quarter 1					
	Total	Online	OOS	Foreign	Military
PT	699	N/A	212 (30%)	37 (5%)	5 (1%)
PTA	199	N/A	20 (10%)	15 (7%)	13 (7%)
Total	898	N/A	232 (26%)	52 (6%)	18 (2%)

## Application Services Report Program Statistics

### Initial Applications Received

Current FY 2021/22 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	901	883 (98%)	350 (39%)	82 (9%)	33 (4%)
PTA	381	375 (98%)	62 (16%)	23 (6%)	23 (6%)
Total	1282	1258 (98%)	412 (32%)	105 (8%)	56 (4%)
Last FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	847	817 (96%)	333 (39%)	73 (9%)	16 (2%)
PTA	340	319 (94%)	54 (16%)	22 (7%)	25 (7%)
Total	1187	1136 (96%)	387 (33%)	95 (8%)	41 (3%)
Current FY 2021/22 Quarter 2					
	Total	Online	OOS	Foreign	Military
PT	367	362 (99%)	163 (44%)	35 (10%)	15 (4%)
PTA	168	165 (98%)	28 (17%)	14 (8%)	7 (4%)
Total	535	527 (99%)	191 (36%)	49 (9%)	22 (4%)
Last FY 2020/21 Quarter 2					
	Total	Online	OOS	Foreign	Military
PT	336	318 (95%)	136 (40%)	39 (12%)	6 (2%)
PTA	171	160 (94%)	25 (15%)	10 (6%)	14 (8%)
Total	507	478 (94%)	161 (31%)	49 (10%)	20 (4%)

### Licenses Issued

Current FY 2021/22 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1124	N/A	254 (23%)	60 (53%)	29 (3%)
PTA	371	N/A	40 (11%)	14 (4%)	26 (7%)
Total	1495	N/A	294 (20%)	74 (5%)	55 (4%)
Last FY 2020/21 Year to Date					
	Total	Online	OOS	Foreign	Military
PT	1183	N/A	402 (34%)	60 (5%)	19 (2%)
PTA	351	N/A	44 (13%)	23 (7%)	22 (6%)
Total	1534	N/A	446 (29%)	83 (6%)	41 (3%)
Current FY 2021/22 Quarter 2					
	Total	Online	OOS	Foreign	Military
PT	428	N/A	70 (16%)	29 (7%)	13 (3%)
PTA	154	N/A	15 (10%)	4 (3%)	13 (8%)
Total	582	N/A	85 (15%)	33 (6%)	26 (4%)
Last FY 2020/21 Quarter 2					
	Total	Online	OOS	Foreign	Military
PT	484	N/A	190 (40%)	23 (5%)	14 (3%)
PTA	152	N/A	24 (16%)	8 (6%)	9 (6%)
Total	636	N/A	214 (34%)	31 (5%)	23 (4%)

## Application Services Report Examination Statistics

### National PT and PTA Examination - California Statistics

#### Accredited PT Program

	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	458	279			737	268	200			468	↓-36%
Fail	57	54			111	45	71			116	↑5%
<b>Total</b>	<b>515</b>	<b>333</b>			<b>848</b>	<b>313</b>	<b>271</b>			<b>584</b>	↓-31%
Pass Rate	89%	84%			87%	86%	74%			80%	↓-7%

#### Non-Accredited PT Program

	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	10	10			20	9	10			19	↓-5%
Fail	25	21			46	14	16			30	↓-35%
<b>Total</b>	<b>35</b>	<b>31</b>			<b>66</b>	<b>23</b>	<b>26</b>			<b>49</b>	↓-26%
Pass Rate	29%	32%			30%	39%	38%			39%	↓-9%

#### Accredited PTA Program

	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	202	117			319	191	127			318	↓0%
Fail	43	54			97	42	50			92	↓-5%
<b>Total</b>	<b>245</b>	<b>171</b>			<b>416</b>	<b>233</b>	<b>177</b>			<b>410</b>	↓-1%
Pass Rate	82%	68%			77%	82%	72%			78%	↑1%

#### Non-Accredited PTA Program

	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	7	8			15	6	5			11	↓-27%
Fail	11	9			20	12	12			24	↑20%
<b>Total</b>	<b>18</b>	<b>17</b>			<b>35</b>	<b>18</b>	<b>17</b>			<b>35</b>	↑9%
Pass Rate	39%	47%			43%	33%	29%			31%	↓-12%

### California Law Examination (CLE)

#### Accredited Program

	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	772	426			1,198	756	502			1,258	↑5%
Fail	208	126			334	217	149			366	↑10%
<b>Total</b>	<b>980</b>	<b>552</b>			<b>1,532</b>	<b>973</b>	<b>651</b>			<b>1,624</b>	↑6%
Pass Rate	79%	77%			78%	78%	77%			77%	↓-1%

Non-Accredited Program											
	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	48	37			85	46	36			82	↓-4%
Fail	30	16			46	23	19			42	↓-9%
Total	78	53			131	69	55			124	↓-5%
Pass Rate	62%	70%			65%	67%	65%			66%	↑1%

National PT and PTA Examination - National Statistics											
Accredited PT Program											
	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	4,508	1,847			6,255	3,200	1,403			4,603	↓-26%
Fail	571	472			1,043	522	453			975	↓-7%
Total	5,079	2,319			7,398	3,722	1,856			5,578	↓-25%
Pass Rate	89%	80%			85%	86%	76%			83%	↓-2%

Non-Accredited PT Program											
	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	184	115			299	141	146			287	↓-4%
Fail	344	335			679	253	267			520	↓-23%
Total	528	450			978	394	413			807	↓-17%
Pass Rate	35%	26%			31%	36%	35%			36%	↑5%

Accredited PTA Program											
	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	2,773	1,418			4,191	2,719	1,243			3,962	↓-5%
Fail	626	629			1,255	846	736			1,582	↑26%
Total	3,399	2,047			5,446	3,565	1,979			5,544	↑2%
Pass Rate	82%	69%			77%	76%	63%			71%	↓-6%

Non-Accredited PTA Program											
	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	71	49			120	37	42			79	↓-34%
Fail	43	47			90	48	60			108	↑20%
Total	114	96			210	85	102			187	↓-11%
Pass Rate	62%	51%			57%	44%	41%			42%	↓-15%

Jurisprudence Examination - National Statistics											
Accredited Program											
	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	1,947	1,190				1,938	1,298				#DIV/0!
Fail	437	343				512	362				#DIV/0!
<b>Total</b>	<b>2,384</b>	<b>1,533</b>				<b>2,450</b>	<b>1,660</b>				#DIV/0!
Pass Rate	82%	78%				79%	78%				#DIV/0!

Non-Accredited Program											
	Fiscal Year 2020/21					Fiscal Year 2021/22					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q2	Q1	Q2	Q3	Q4	YTD through Q2	
Pass	80	71				90	82				#DIV/0!
Fail	42	25				41	38				#DIV/0!
<b>Total</b>	<b>122</b>	<b>96</b>				<b>131</b>	<b>120</b>				#DIV/0!
Pass Rate	66%	74%				69%	68%				➡0%



## **Briefing Paper**

## **Agenda Item 17**

**Date:** 3/1/2022

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** License Maintenance Services Report

---

### **Purpose:**

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

**Attachments:** [License Maintenance Statistics](#)

---

### **Data Format:**

The report includes year-to-date and quarter data comparisons between the current fiscal year and the previous fiscal years. The percentages included with the program statistics actual numbers represent a portion of the total number.

---

### **Update:**

The licensee population and license maintenance requests continue to increase, but it is not at a rate beyond what existing resources is able to support. Otherwise, no significant program updates for FY 2021/22 Q1 and Q2.

---

### **Action Requested:**

None.

License Maintenance Services Report Program Statistics				
License Status Counts*				
Fiscal Year 2021/22 Q1				
	Current	Inactive	Delinquent	Retired
PT	28,216	1,195	4,659	408
PTA	7,933	309	1,396	123
Total	36,149	1,504	6,055	531
Fiscal Year 2020/21 Q1				
	Current	Inactive	Delinquent	Retired
PT	27,586	1,209	4,193	372
PTA	7,728	311	1,247	120
Total	35,314	1,520	5,440	492
*As of October 1, 2021				
Renewals Processed				
Fiscal Year 2021/22 YEAR TO DATE				
	Total	Online		
PT	3,554	3,168	89%	
PTA	1,011	900	89%	
Total	4,565	4068	89%	
Fiscal Year 2020/21 YEAR TO DATE				
	Total	Online		
PT	3,397	2,956	87%	
PTA	972	854	88%	
Total	4,369	3,810	87%	
Fiscal Year 2021/22 Q1				
	Total	Online		
PT	3,554	3,168	89%	
PTA	1,011	900	89%	
Total	4,565	4068	89%	
Fiscal Year 2020/21 Q1				
	Total	Online		
PT	3,397	2,956	87%	
PTA	972	854	88%	
Total	4,369	3,810	87%	
Name Changes Processed				
Fiscal Year 2021/22 YEAR TO DATE				
	Total	Online		
PT	93	91	98%	
PTA	27	25	93%	
Total	120	116	97%	
Fiscal Year 2020/21 YEAR TO DATE				
	Total	Online		
PT	57	51	89%	
PTA	13	11	84%	
Total	70	62	89%	
Fiscal Year 2021/22 Q1				
	Total	Online		
PT	93	91	98%	
PTA	27	25	93%	
Total	120	116	97%	
Fiscal Year 2020/21 Q1				
	Total	Online		
PT	57	51	89%	
PTA	13	11	84%	
Total	70	62	89%	



Address Changes Processed			
Fiscal Year 2021/22 YEAR TO DATE			
	Total	Online	
PT	975	950	97%
PTA	225	221	98%
Total	1,200	1,171	98%
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	1,102	1,062	96%
PTA	275	257	93%
Total	1,377	1,319	96%
Fiscal Year 2021/22 Q1			
	Total	Online	
PT	975	950	97%
PTA	225	221	98%
Total	1,200	1,171	98%
Fiscal Year 2020/21 Q1			
	Total	Online	
PT	1,102	1,062	96%
PTA	275	257	93%
Total	1,377	1,319	96%

Duplicate Requests Processed			
Fiscal Year 2021/22 YEAR TO DATE			
	Total	Online	
PT	67	67	100%
PTA	0	N/A	N/A
Total	67	67	100%
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	25	14	56%
PTA	3	3	100%
Total	28	17	61%
Fiscal Year 2021/22 Q1			
	Total	Online	
PT	67	67	100%
PTA	0	N/A	N/A
Total	67	67	100%
Fiscal Year 2020/21 Q1			
	Total	Online	
PT	25	14	56%
PTA	3	3	100%
Total	28	17	61%

License Maintenance Services Report Program Statistics				
License Status Counts				
Fiscal Year 2021/22 Q2*				
	Current	Inactive	Delinquent	Retired
PT	28,188	1,196	4,696	407
PTA	7,947	308	1,410	122
Total	36,135	1,504	6,106	529
Fiscal Year 2020/21 Q2				
	Current	Inactive	Delinquent	Retired
PT	27,646	1,175	4,398	383
PTA	7,699	305	1,318	122
Total	35,345	1,480	5,716	505
*As of November 1, 2021				
Renewals Processed				
Fiscal Year 2021/22 YEAR TO DATE				
	Total	Online		
PT	6,904	6,171	89%	
PTA	1,902	1,689	89%	
Total	8,806	7,860	89%	
Fiscal Year 2020/21 YEAR TO DATE				
	Total	Online		
PT	6,528	5,709	87%	
PTA	1,841	1,641	89%	
Total	8,369	7,350	88%	
Fiscal Year 2021/22 Q2				
	Total	Online		
PT	3,350	3,003	90%	
PTA	891	789	89%	
Total	4,241	3,792	89%	
Fiscal Year 2020/21 Q2				
	Total	Online		
PT	3,131	2,753	88%	
PTA	869	787	91%	
Total	4,000	3,540	89%	
Name Changes Processed				
Fiscal Year 2021/22 YEAR TO DATE				
	Total	Online		
PT	186	179	96%	
PTA	50	46	92%	
Total	236	225	95%	
Fiscal Year 2020/21 YEAR TO DATE				
	Total	Online		
PT	129	116	89%	
PTA	30	28	94%	
Total	159	144	91%	
Fiscal Year 2021/22 Q2				
	Total	Online		
PT	93	88	95%	
PTA	23	21	91%	
Total	116	109	94%	
Fiscal Year 2020/21 Q2				
	Total	Online		
PT	72	65	91%	
PTA	17	17	100%	
Total	89	82	92%	

Address Changes Processed			
Fiscal Year 2021/22 YEAR TO DATE			
	Total	Online	
PT	1,768	1,727	98%
PTA	427	418	98%
Total	2,195	2,145	98%
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	2,004	1,934	97%
PTA	503	479	95%
Total	2,507	2,413	96%
Fiscal Year 2021/22 Q2			
	Total	Online	
PT	793	777	98%
PTA	202	197	98%
Total	995	974	98%
Fiscal Year 2020/21 Q2			
	Total	Online	
PT	902	872	97%
PTA	228	222	97%
Total	1,130	1,094	97%

Duplicate Requests Processed			
Fiscal Year 2021/22 YEAR TO DATE			
	Total	Online	
PT	133	133	100%
PTA	0	N/A	N/A
Total	133	133	100%
Fiscal Year 2020/21 YEAR TO DATE			
	Total	Online	
PT	60	49	82%
PTA	3	3	100%
Total	63	52	83%
Fiscal Year 2021/22 Q2			
	Total	Online	
PT	66	66	100%
PTA	0	N/A	N/A
Total	66	66	100%
Fiscal Year 2020/21 Q2			
	Total	Online	
PT	35	35	100%
PTA	0	N/A	N/A
Total	35	35	100%



## **Briefing Paper**

## **Agenda Item 18**

**Date:** 3/1/2022

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** Continuing Competency Services Report

---

### **Purpose:**

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

---

### **Background:**

#### **Licensees**

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.

#### **Recognized Approval Agencies**

The PTBC does not directly approve continuing competency providers or courses. Instead, the PTBC recognizes approval agencies that approve providers and courses. In addition to licensees, the PTBC is also obligated to audit recognized continuing competency approval agencies to ensure sufficient compliance with the standards set forth in California Code of Regulation section 1399.95.

---

### **Program Update:**

Staff previously reported a pause on continuing competency activities due to redirection of staff to support the Applications Services program. Now, the Application Services program has adequate resources allowing Continuing Competency staff that had been redirected to the Application Services program to return to the Continuing Competency program. Resources

have returned to the Continuing Competency program; however, a DCA COVID-19 waiver remains in place allowing licensees to complete continuing competency requirements through March 31, 2022. Therefore, the Continuing Competency program has initiated recognized approval agency (agency) outreach in preparation to audit these agencies. Staff is contacting each agency to introduce themselves, obtain updated contact information, review regulations, and notify them the PTBC is planning to begin agency audits in the near future. This campaign has already proven to be of benefit to both the agencies as well as the PTBC as information for both parties is being updated and clarified.

Staff will begin licensee audits upon expiration of the DCA COVID-19 waiver extending the time a licensee has to complete continuing competency.

---

**Action Requested:**

None.



## **Briefing Paper**

## **Agenda Item 19**

**Date:** February 28, 2022

**Prepared for:** PTBC Members

**Prepared by:** Carole Phelps, Lead Enforcement Analyst

**Subject:** Consumer Protection Services Program (CPS)

---

**Purpose:** Update on Consumer Protection Services Program - FY 2021/22

**Attachments:** [1. CPS Statistics Report](#)  
[2. Disciplinary Summary](#)

---

### **Update:**

After all of the changes that 2020 brought, 2021 was another year for adjustments and challenges. Teleworking continued, along with use of new technology to communicate and investigate cases remotely, including Microsoft Teams and WebEx for communication, meetings, and trainings, as well as new processes that allow staff to electronically submit cases to both the Division of Investigation and the Attorney General's Office.

Staff has continually met the challenges each step of the way, been flexible when needed, and they continue to efficiently investigate complaints, while navigating and learning new technology and processes.

### **Attachment 1: CPS Statistics Report**

The number of consumer complaints and arrest/conviction reports received are reported in Performance Measure 1 (Complaint Intake) and have increased slightly compared to Q1 and Q2 of last fiscal year. These numbers fluctuate regularly.

For Performance Measures 3 (Investigation Cycle Time) and 4 (AG Case Cycle Time) case aging was higher both for investigation-only cases and for cases transmitted to the AG. These numbers fluctuate from year to year, and one or two very complicated cases can increase these numbers substantially. To illustrate this, note that 77% of investigation-only cases, a total of 81 cases, were completed within one (1) year, and only 9 investigation-only cases aged more than 2 years.

As in previous recent quarters, business closures and other pandemic-related issues continue to cause delays in many investigations, especially for facility inspections and interviews, as well as in the disciplinary filing and hearing processes.

### **Attachment 2: Disciplinary Summary List**

Disciplinary Summary of formal discipline and citations issued for FY 2021-22, Q1 and Q2. Disciplinary actions are of public record and are available through the DCA License Search. <https://search.dca.ca.gov/>

---

Action Requested: No Action Required

## Consumer Protection Services Statistics Report

### Complaint Intake

	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM1: Complaints Received	117	66	60			126	↑ 8%
PM1: Convictions/Arrest Received	75	45	41			86	↑ 15%
PM1: Total Received	192	111	101			212	↑ 10%

### Intake

Target: 9 Days	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	4	3	3			3	↓ -25%

### Investigations

Target: 90 Days	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	193	215	222			219	↑ 13%
PM3a: Intake Only	3	3	3			3	→ 0%
PM3b: Investigation Only	178	207	215			211	↑ 19%
PM3c: Post Investigation Only	5	5	4			5	↓ -10%

### Investigations Aging

	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	52%	56	49			45%	↓ -7%
91 - 180 Days	13%	28	17			19%	↑ 6%
181 Days - 1 Year (364)	16%	15	15			13%	↓ -3%
1 to 2 Years (365-730)	13%	19	13			14%	↑ 1%
2 to 3 Years (731- 1092)	6%	11	7			8%	↑ 2%
Over 3 Years (1093 +)	1%	0	2			1%	↓ 0%

### Citations

	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	12	17	8			25	↑ 108%
Average Days to Close	244	457	551			504.0	↑ 107%

### Transmittals to Attorney General (AG)

Target: 540 Days	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM4: AG Cases	807	995	830			913	↑ 13%
PM4a: Intake Only	3	2	2			2	↓ -33%
PM4b: Investigation Only	476	491	334			413	↓ -13%
PM4c: Pre-AG Transmittal	2	1	1			1	↓ -50%



PM4d: Post-AG Transmittal	310	501	480			491	↑ 58%
	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	22	12	15			27	↑ 23%
AG Cases Pending	58	69	66			66	↑ 14%
SOIs Filed	0	1	0			1	-
Accusations Filed	13	8	8			16	↑ 23%

AG Transmittals							
	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	15	8	8			16	↑ 7%
Total Average Days to Complete	807	1081	934			1007.5	↑ 25%

Total Orders Aging/Final Decision							
	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	0%	0	0			0%	→ 0%
91 - 180 Days	0%	0	0			0%	→ 0%
181 Days - 1 Year (364)	33%	0	0			0%	↓ -33%
1 to 2 Years (365-730)	27%	2	3			31%	↑ 4%
2 to 3 Years (731- 1092)	7%	3	1			25%	↑ 18%
Over 3 Years (1093 +)	33%	3	4			44%	↑ 11%

Other Legal Actions							
	FY 2020/21	Fiscal Year 2021/22					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension or PC 23 Ordered	0	1	1			2	-

**PM1: Volume** - Numbr of complaints received within the reference period.

**PM2: Cycle Time - Intake** - Average number of days from the date the complaint was received to the date the complaint was closed or assigned for investigation (assigned to staff).

**PM3: Cycle Time - Investigations** - Average number of days to complete the entire enforcement process for complaints not transmitted to the AG for formal discipline. (includes intake and investigation days)

**PM3a: Intake Only** - Of the cases included in PM3, the average number of days from the date the complaint was received to the date the complaint was assigned for investigation.

**PM3b: Investigation Only** - Of the cases included in PM3, the average number of days from the date the complaint was assigned for investigation to the date the investigation was completed. (without intake)

**PM3c: Post Investigation Only** - Of the cases included in PM3, the average number of days from the date the investigation was completed to the date of the case outcome or non-AG formal discipline effective date.

**PM4: Cycle Time-AG Transmittal** - Average number of days to complete the enforcement process for cases investigated and transmitted to the AG for formal discipline. (includes intake & investigation to final outcome of cases transmitted to the AG - includes withdrawals, dismissals, etc.)

**PM4a: AG Transmittal - Intake Only** - Of the cases included in PM4, the average number of days from the date the complaint was received to the date the complaint was assigned for investigation.

**PM4b: AT Transmittal - Investigation Only** - Of the cases in PM4, the average number of days from the date the complaint was assigned for investigation to the date the investigation was completed.

**PM4c: AG Transmittal - Pre AG Transmittal** - Of the cases in PM4, the average number of days from the date the investigation was completed to the date the case was transmitted to the AG.

**PM4d: AG Transmittal - Post AG Transmittal** - Of the cases in PM4, the average number of days from the date the case is transmitted to the AG to the date of the case outcome or formal discipline effective date. (AG days only)

# **Disciplinary Summary Fiscal Year 2021-22 / Quarter 1 and 2**

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of July 2021 through December 2021. Except for situations where the licensee has obtained a court ordered stay, Decisions become operative on the Effective Date. 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](http://www.ptbc.ca.gov). In addition to obtaining this information from our website, you may also request by telephone, fax, or mail. Please address written request to:

Physical Therapy Board of California  
Consumer Protection Services  
2005 Evergreen Street, Suite 2600  
Sacramento, CA 95815  
(916) 561-8200/ FAX (916) 263-2560

.....

## **July 2021**

### **NAFZIGER, DAN RAY PT 10573**

Violations: Discipline, restriction, or limitation imposed by another state (sexual misconduct). Stipulated Surrender of License and Disciplinary Order Effective 7/14/21, License Surrendered.

### **MANZANO, ALISA PT 18465**

Violations: Dangerous use of alcohol; Conviction of a crime - DUI; General unprofessional conduct; Failure to report arrest and conviction to the board; Biological fluid testing, missed calls; and Biological fluid testing, providing diluted samples. Stipulated Settlement and Disciplinary Order Effective 7/26/21, 3 years' Probation.

### **O NEILL, MARIA MEJIA PT 8430**

Violations: Voluntarily surrendered in lieu of completing probation term. Stipulated Settlement and Disciplinary Order Effective 7/28/21, License Surrendered.

### **KYO, ALAN KUN-SEIN PT 25002**

Violations: Gross negligence; Repeated negligent acts; Repeated acts of clearly excessive treatment; Failure to maintain adequate and accurate records; Misrepresenting documentation of patient care; and Failure to document patient records as required in regulations. Proposed Decision and Order Effective 7/28/21, 3 years' Probation.

### **HORNAK, TIMOTHY JAMES PT 11444**

Violations: Unprofessional conduct; Failure to main accurate patient records; Aiding and abetting unlawful practice of Physical Therapy; Not evaluating competencies of Physical Therapy aides; Permitting Physical Therapy aides to act beyond their documented competencies; and/or Failing to adequately supervise Physical Therapy aides; and failure to provide required notice to consumer. Stipulated Settlement and Disciplinary Order Effective 7/30/21, 3 years' Probation.

## **August 2021**

### **ROBINSON, AMY MARIE PT 36375**

Violations: conviction of a crime substantially related to the qualifications, functions, or duties of a physical therapist [DUI]; use of alcohol to the extent, or in such a manner, as to be dangerous or injurious to herself, other, or the public; violation of a provision or provisions of the medical practice act; and violation of a provision or provisions of the Physical Therapy Practice act. Stipulated Settlement and Disciplinary Order Effective 8/13/21, License Surrendered.

**GERIAK, AMY GABRIELLE PT 25892**

Violations: Voluntarily surrendered in lieu of completing probation term. Stipulated Settlement and Disciplinary Order Effective 8/13/21, License Surrendered.

**LAUDENSLAGER, ERIC J. PT 8450**

Violations: Gross negligence; repeated negligent acts; failure to maintain adequate and accurate records; failure to document patient records as required in regulations; and violation of a provision or provisions of the Physical Therapy Practice Act. Stipulated Surrender of License and Order Effective 8/16/21, License Surrendered.

**BEKENDAM, JEFFREY T. PT 14201**

Violations: Gross negligence; repeated negligent acts; excessive use of Physical Therapy aides; failure to maintain accurate and adequate records; and billing for services not rendered. Stipulated Settlement of License and Order Effective 8/16/21, 4 years' Probation.

**MUNAR, DAVID CAMPBELL PT 15493**

Violations: Conviction of a crime [DUI]; dangerous use of alcohol; and unprofessional conduct. Stipulated Surrender of License and Order Effective 8/20/21, License Surrendered.

**SEYFERT, HEATHER MARIE PT 33822**

Violations: Failure to maintain accurate patient records; gross negligence; falsifying patient records; failure to identify PT aide; and failure to timely provide complete patient records to the Board. Public Letter of Reprimand Issued 8/23/21, Reprimand Issued.

**September 2021**

**BARNETT, WESTON IRA PTA 50279**

Violations: Voluntarily surrendered in lieu of completing probation term. Default Decision and Order Effective 9/6/21, License Revoked.

**ZWETSLOOT, PAUL HENRY PT 20201**

Violations: Temporarily suspended pending the outcome of a criminal proceeding. Stipulation and Order Prohibiting Practice as a PT Effective 9/8/21, Interim Suspension issued.

**CHONG, DAE-EIL T. PT 38707**

Violations: Failure to maintain accurate patient records. Public Letter of Reprimand Issued 9/30/21, Reprimand Issued.

**October 2021**

**SAGHEBRAI, MAHZAD SHIRAZI PTA 8651**

Violations: License was temporarily suspended due to a criminal case [DUI]. Interim Suspension Order Effective 10/12/21, License Suspended.

**HEFFEL, JAMES JENSEN PTA 10625**

Violations: Violating terms of probation. Default Decision and Order Effective 10/14/21, License Revoked.

**November 2021**

**DAVIS, ALISON JANE PT 22155**

Violations: Conviction of a crime substantially related to the qualifications, functions, or duties of a Physical Therapist [DUI]; excessive use of alcohol; unprofessional conduct; violation of provision or provisions of the Physical Therapy Practice Act; and violation of a provision or provisions of the Medical Practice Act. Stipulated Settlement of License and Order Effective 11/8/21, 5 years' Probation.

**DUNCAN, BEN DAVID PT 27435**

Violations: Gross negligence; repeated negligent acts; excessive use of Physical Therapy aides; billing for services not rendered; and failure to maintain accurate and adequate records. Stipulated Settlement of License and Order Effective 11/10/21, 35 months' Probation.

**JETTE, JUSTIN DAVID PT 43441**

Violations: Gross negligence; repeated acts of negligence; excessive use of PT aides; failure to maintain accurate and adequate records; and billing for services not rendered. Public Reprimand Issued 11/10/21, Public Reprimand Issued.

**WINBLAD, NATALIE MARIE PT 39658**

Violations: Gross negligence; repeated acts of negligence; excessive use of PT aides; failure to maintain accurate and adequate records; and billing for services not rendered. Public Reprimand Issued 11/10/21, Public Reprimand Issued.

**BENNION, MATTHEW BOYD PT 42294**

Violations: Negligence; failure to maintain adequate and accurate records; failure to document patient records as required in regulations; failure to adequately supervise PT aides; failure to adequately supervise PT assistants; and failure to provide and post form NTC 12-01 as required in regulations. Stipulated Settlement of License and Order Effective 11/15/21, 4 years' Probation.

**GARCIA CAMEY, JOSE MIGUEL PTA 51152**

Violations: Voluntarily surrendered in lieu of completing probation term. Stipulated Surrender of License and Order Effective 11/20/21, License Surrendered.

**December 2021**

**KEROLS, THABET Y. PTA 8918**

Violations: Conviction of a substantially related crime [Wet Reckless]; failure to participate in board's investigation; failure to update address of record; and unprofessional conduct. Proposed Decision and Order Effective 12/8/21, 5 years' Probation.

**HANG, JIMMY TANG PT 28952**

Violations: Gross negligence; sexual misconduct; repeated negligent acts; and inadequate record keeping. Stipulated Settlement of License and Order Effective 12/8/21, 5 years' Probation.

**MULLER, JOHN MAURICE PT 8797**

Violations: Voluntarily surrendered in lieu of completing probation term. Stipulated Surrender of License and Order Effective 12/11/21, License Surrendered.

**SAGHEBRAI, MAHZAD SHIRAZI PTA 8651**

Violations: Unprofessional conduct; criminal convictions [multiple DUIs drugs/alcohol] and dangerous use of drugs or alcohol. Stipulated Surrender of License and Order Effective 12/24/21, License Surrendered.

## 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 filed against a licensee alleging violation(s) of the Physical Therapy Practice Act.

**Interim Suspension Order:** An Order issued upon petition, suspending a licensee from all or specified part of their practice of, or assisting in the provision of, physical therapy.

**Petition to Revoke Probation:** Charges filed against a probationer seeking revocation of their physical therapy or physical therapy assistant license based upon violation(s) of probation.

**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.

**Public Letter of Reprimand:** In lieu of filing a formal accusation, the Board may, pursuant to BPC section 2660.3, upon stipulation or agreement by the licensee, issue a public letter of reprimand. If the licensee does not agree to the issuance of the letter, the Board shall not issue the letter and may proceed to file a formal accusation. A public letter of reprimand is considered disciplinary action.

**Statement of Issues Filed:** Charges filed against an applicant due to alleged violation(s) of the Physical Therapy Practice Act. If found to be true, the charges may result in discipline.

**Surrender of License:** The licensee surrenders their license to the Board, subject to acceptance of the surrendered license by the Board, and the licensee is prohibited from engaging in the practice, or assisting in the provision, of physical therapy.

**Stipulated Decision:** Negotiated settlements waiving court appeals.



## **Briefing Paper**

## **Agenda Item 20(A)**

**Date:** February 23, 2022  
**Prepared for:** PTBC Members  
**Prepared by:** Monny Martin, PTBC Probation Monitor  
**Subject:** Probation Monitoring Program

---

**Purpose:** Update on Probation Monitoring Program for Q1 & Q2 - FY 2021-2022

**Attachments:** [1. Statistical Report](#)

---

## **Background:**

This is a report on the Board's Probation Monitoring Program for the first and second quarter of FY 2021-2022. Please refer to attachment (B) which contains the probation statistics for FY 2021-2022.

---

## **Analysis:**

For the first quarter, there were 61 licensees on probation for various causes. Besides the 50 licensees on probation and in the state of California, there were an additional 11 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were six licensees placed on probation in the quarter, and 1 licensee completed probation in the quarter.

Of the 50 licensees that were not tolling, 14 were enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program at the end of the quarter, equaling about 28% of all licensees on probation that weren't tolling.

For the second quarter, there was no change in the number of licensees on probation. There are still 50 licensees on probation in the state of California, and 11 tolling out of state. Seven more licensees were placed on probation in the second quarter and four more licensees completed probation. There was also one Stipulation for Surrender of Probation due to a relapse and that participant being removed from the Board's Drug and Alcohol Recovery Monitoring Program and one Voluntary Surrender. Additionally, one licensee entered into the Board's Drug and Alcohol Recovery Monitoring Program and one licensee completed the program.

The Probation Monitoring Unit continues to operate utilizing Microsoft TEAMS but plans to start conducting face-to-face interviews in the near future. All probationers have adjusted to having

probation monitoring interviews via video conference and things have continued to operate smoothly. There have not been any disruptions to biological fluid testing and participants in the Board's Recovery Monitoring Program continue to participate in 12-Step programs and Health Support Groups via video conference.

The new fiscal year has brought an increase of licensees being put on probation and entering into the Board's Drug and Alcohol Recovery Monitoring Program. It appears that the number of licensees being placed on probation is now starting to increase again as the state emerges from the COVID-19 pandemic.

**Action Requested:** No Action Required.



## Probation Statistics Report

Probation								
	FY 2020/21						Year → Year Change	
	YTD							
Entered Probationer	12	6	7	0	0		↑	8%
Completed Probation	13	1	4	0	0		↓	-62%
Probation Terminated (Revocation/Stip Sur	0	0	1	0	0		↑	100%
Non-Compliant w/Probation	2	0	0	0	0		↓	-50%
Tolling (Out of State)	14	11	11	0	0		↓	-21%
Surrenders (Voluntary)	2	1	2	0	0		↑	50%
Total Probationers	57	61	61	0	0		↑	7%

Maximus								
	FY 2020/21	Fiscal Year 2021/2022					Year → Year Change	
	YTD	Q1	Q2	Q3	Q4	YTD		
Entered Maximus	5	3	1	0	0	4	↓	-20%
Completed Maximus	2	0	1	0	0	1	↓	-50%
Total Maximus Participants	12	14	13	0	0	13	↑	8%
Determined To Be Clinically Inappropriate	5	0	0	0	0	0	↓	-20%
Terminated - Public Risk	1	1	0	0	0	1	→	0%
Terminated - Failure to Receive Benefit	1	0	0	0	0	0	↑	100%
Withdrawn (Expense) - Post-Decision	0	0	0	0	0	0	→	0%
Withdrawn (Left State) - Post-Decision	0	0	0	0	0	0	→	0%
Withdrawn - Pre-Decision	1	0	0	0	0	0	↓	-100%
Withdrawn - Voluntary	0	0	1	0	0	1	↑	100%