



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
Adopted Meeting Minutes**

March 24, 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

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

Wednesday, March 24, 2021

1. Call to Order

The Physical Therapy Board of California (Board) meeting was called to order by President Dr. Rabena-Amen at 9:00 a.m. and adjourned at 3:03 p.m. on March 24, 2021.

2. Roll Call and Establishment of Quorum

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

All members were present with the exception of Dr. Dominguez, 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 Trisha St. Clair, DCA SOLID Webcast Moderator.

3. Reading of the Board's Mission Statement

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

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).)

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

5. Review and Approval of September 17, 2020, Meeting Minutes – Brooke Arneson

Ms. Arneson presented the draft September 17, 2020, meeting minutes. Ms. Eleby requested that the word "who" on line 166 be edited to "whose." Ms. Eleby also asked that on line 183 capitalizing "H" in "Hats." Dr. Rabena-Amen requested that the training under Agenda Item 8 specify that it was a "prerecorded virtual training."

MOTION: Adopt the proposed September 17, 2020, Meeting Minutes as amended.

M/S: Rabena-Amen/Drummer

VOTE: Armstrong - Abstain
Dominguez- Absent
Drummer - Aye
Eleby - Aye
Ervin - Aye
McMillian - Aye
Rabena-Amen – Aye
5-0 Motion Carried; 1 Abstention

6. Review and Approval of December 10, 2020, Meeting Minutes – Brooke Arneson

Ms. Arneson presented the draft December 10, 2020, meeting minutes. Dr. Rabena-Amen asked that under Agenda Item 2 a sentence be added that Mr. Ervin was introduced.

MOTION: Adopt the proposed December 10, 2020, Meeting Minutes as amended.

M/S: Rabena-Amen/Drummer

VOTE: Armstrong - Abstain
Dominguez- Absent
Drummer - Aye
Eleby - Aye
Ervin - Aye
McMillian - Aye
Rabena-Amen - Aye
5-0 Motion Carried; 1 Abstention

7. Review and Approval of February 24, 2021, Meeting Minutes – Brooke Arneson

Ms. Arneson presented the draft February 24, 2021, meeting minutes.

MOTION: Adopt the proposed February 24, 2021, Meeting Minutes.

M/S: Rabena-Amen/Drummer

VOTE: Armstrong - Abstain
Dominguez- Absent
Drummer - Aye
Eleby - Aye
Ervin - Aye
McMillian - Aye
Rabena-Amen - Aye
5-0 Motion Carried; 1 Abstention

8. President's Report

(A) 2021 Proposed Meeting Calendar

Mr. Kaiser stated that it may be necessary to add additional meeting dates towards the end of the year to accommodate the Sunset review process and that we would revisit this at the June 2021 meeting.

(B) 2022 Proposed Meeting Calendar

Mr. Kaiser stated that it may be necessary to add additional meeting dates in the beginning of 2022 to accommodate any changes that the Board would need to implement as a result of the Sunset Hearing.

Dr. Syms informed the Board that the CPTA Annual Conference for 2021 will be October 9-10 and it will be a virtual meeting.

9. Executive Officer's Report

(A) Administrative Services

Mr. Kaiser reported that the Administrative Services Unit has been very busy during the pandemic as it serves as a hub for PTBC responsibilities for Human Resources, Purchasing, Procurement, Facility, IT, Mail, Education, Outreach, Cashiering, Budgets, Legislation, Regulations, and Board Member Relations. Mr. Kaiser added that all of these services have seen an increase in workload since last March.

Mr. Kaiser stated that there has been a constant stream of recruitment for the PTBC as a result of the new BCP's and promotions. Due to the pandemic, the pool of candidates has been harder to reach, and conducting interviews via WebEx and other electronic formats has been difficult. Mr. Kaiser stated that currently the Administrative Services Unit is closing out the recruiting of three positions: an SSA in the Applications Unit tasked with out of state applications and military applications; an Office Technician to provide support to the Applications Unit; and an Office Technician to provide support to the Administrative Services Unit.

Mr. Kaiser updated the members that the Board's Assistant Executive Officer position has been filled by Ms. Elsa Ybarra and he extended his congratulations to her.

Mr. Kaiser also extended his congratulations to Ms. Julie Thao who has been promoted to SSA as Board Relations in the Administrative Services Unit.

Mr. Kaiser added that in the future PTBC will begin recruiting for a Staff Services Manager in the Enforcement Unit as the previous manager; Elsa Ybarra has been appointed as the Assistant Executive Officer of the PTBC and has been serving in both positions.

Mr. Kaiser reported that staff have transitioned to a 75% telework schedule and the Administrative Unit has assisted staff with the necessary equipment and support for those working from home and this had been done while successfully relocating to the new suite.

(B) Board Member Appointments

Mr. Kaiser happily reported the appointment of two new members to the Board: Johnathon Ervin of Lancaster was appointed as a public member by the Speaker of the Assembly, Anthony Rendon; and Dayle Armstrong was appointed as a professional member by the Governor.

Mr. Kaiser added that two members were reappointed to the Board: Dr. Alicia Rabena-Amen was been reappointed as a professional member by the Governor and Katarina Eleby was reappointed as a public member by the Governor. Mr. Kaiser stated that the PTBC now has a full Board.

(C) PTBC Relocation

Mr. Kaiser reported that PTBC is about 85% done with the relocation to the new suite, with the pandemic making the relocation difficult. Mr. Kaiser stated that there are still some IT issues to work through and the Board will be transitioning to a new phone system and a new printing network. He added that a new filing system was also purchased from the California Prison Industry Authority and the pandemic created delays; however, staff have been utilizing the old filing system and the new filing equipment is expected to be received in mid-May. Mr. Kaiser thanked staff for their ability to acclimate to this current climate and situation.

Dr. Rabena-Amen congratulated Julie Thao on her promotion at the Board.

Dr. Rabena-Amen asked how the appointment of the Board's Assistant Executive Officer (AEO) has lessened the Executive Officers workload and asked when the search for the Enforcement Manager will take place. Mr.

Kaiser responded that the Enforcement Manager recruitment will take approximately 3 months start to finish and it is anticipated that it will be filled by July 1st, 2021. Mr. Kaiser responded that Ms. Ybarra, the Board's newly appointed AEO, has made it possible for the PTBC to be in two places at the same time for any scheduling conflicts, and in enforcement, with case review and working as the complainant in the enforcement unit which frees the Executive Officer to address the more complex cases. Mr. Kaiser added that having an AEO also greatly assists with the teleworking schedule as there is always an executive decision maker available to staff at PTBC.

10. 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-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

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

(C) DCA Waiver DCA-20-09- Examination Requirement for Continued Physical Therapy

- a. First Extension- DCA Waiver-20-28
- b. Second Extension- DCA Waiver DCA-20-46
- c. Third Extension- DCA Waiver DCA-20-75
- d. Fourth Extension- DCA Waiver DCA-20-95
- e. Fifth Extension- DCA Waiver DCA-21-122

(D) DCA Waiver DCA-20-25- Extending Time to Satisfy Examination Requirements

- a. First Extension- DCA Waiver-20-66
- b. Second Extension- DCA Waiver DCA-20-78
- c. Third Extension- DCA Waiver DCA-21-107

Ms. Arneson reported on the waivers and the most recent extensions applicable to physical therapist and physical therapist assistant licensees that were granted during the state of emergency resulting from COVID-19.

Mr. Kaiser added that the three most recent waiver extensions mentioned are close to expiring and that there is constant conversation between

DCA Boards and the Director of DCA to address any further extensions that might be necessary.

11. Consumer and Professional Associations and Intergovernmental Relations Reports

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

There was no representative on behalf of FSBPT. Mr. Kaiser stated that FSBPT has been holding frequent WebEx trainings that FSBPT has been providing in lieu of their Leadership Issues Forum, which is usually attended in person; however, it has been held virtually due to the pandemic.

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

Ms. Carrie Holmes, Deputy Director for Board and Bureau Relations, provided the Board with an update on behalf of DCA. Ms. Holmes reported that the pandemic continues to impact every aspect of work for DCA and that DCA offices remain open with preventative measures to safeguard the health and safety of employees and visitors. Ms. Holmes added that DCA Boards and Bureaus are maximizing telework to reduce risk for all employees and public health measures such as social distancing, face coverings and frequent handwashing are required for employees who cannot telework.

Ms. Holmes announced that on January 12, 2021, Governor Newsom appointed Monica Vargas as Deputy Director of Communications at DCA. In addition, on February 2, 2021, Governor Newsom appointed Sarah Murillo as Deputy Director of Administrative Services at DCA.

Ms. Holmes reminded Board members that Form 700 filings are due by April 1, 2021. In addition, Ms. Holmes stated that 2021 is a mandatory sexual harassment prevention training year which means all employees and Board members are required to complete the online training.

Ms. Holmes stated that Director Kirchmeyer is launching two exciting new initiatives for 2021. The first initiative is the Enlightened Licensing Project which is a work group formed to utilize licensing subject matter experts within DCA in order to help individual Boards and Bureaus streamline and make their licensing processes more effective and efficient by utilizing best practices, information technology, and cost-saving measures. The second initiative is an Executive Officer Cabinet which is a group of Board and Bureau executives, including PTBC's Executive Officer, Jason Kaiser. This cabinet will maintain regular

communication, provide feedback and information to DCA, and assist with special projects that will impact all DCA Boards and Bureaus.

Ms. Holmes added that PTBC was recently featured in DCA's Did You Know Newsletter as an example of going above and beyond to serve the public. DCA received a thank you letter from a student who is struggling through the pandemic and with the administrative help of PTBC staff he was able to resolve his test scheduling challenges and ultimately was successful in obtaining licensure.

Dr. Rabena-Amen thanked DCA for the Board Member Orientation Training and President Training provided by DCA she recently attended and found them both to be very informative and helpful.

(C) California Physical Therapy Association (CPTA)

Ms. Stacy DeFoe, Executive Director for the California Physical Therapy Association, presented on behalf of CPTA.

Ms. DeFoe reported that the CPTA office has remained open during the pandemic and is following state COVID guidelines. CPTA staff are working partially remotely with staggered schedules to reduce the number of staff in the office at the same time.

Ms. DeFoe stated that CPTA is utilizing virtual format for meetings, committee meetings, and education, and this year's Annual CPTA Conference on October 9-10th will be held virtually. Ms. DeFoe added that hopefully next year's Annual CPTA Conference, September 24-25th, 2022, in Anaheim will be a face-to-face conference.

Ms. DeFoe reported that CPTA held a virtual legislative week on March 8th and that Assembly Member Cunningham attended the event who is the author of a bill CPTA is sponsoring. In addition, CPTA held a Student Conclave virtually on March 20th and thanked PTBC for their participation.

Ms. DeFoe stated that CPTA is sponsoring AB 1468 which is designed to increase patient access to physical therapists by strengthening laws that govern decision making and transparency by health plans, insurers, and third-party administrators. Ms. DeFoe added that this bill addresses practices by health plans that are using automated systems based on algorithms, to make determinations. They do this early on and it requires several "red tape" steps which create delays for the patient. She added that this bill takes on that practice by saying that if health plans are going to use algorithms, they must be

transparent and accessible, and that the utilization review needs to be done by a healthcare practitioner licensed in the state. The bill also will not allow plans to set up prior authorization hurdles during the initial 12 visits related to every new episode of care. Ms. DeFoe added that CPTA has a collation of support and asked the Board to look at AB 1468 and possibly support it as well.

12. DCA Budget Unit- Presentation of Services

Ms. Rene Milano, DCA Budget Manager, provided a WebEx presentation on the services the DCA Budget Office provides to the Board.

13. Legislation Report – Brooke Arneson (A) 2019/20 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 29 (Cooper) State Bodies: Meetings

Ms. Arneson reported that AB 29 is in the Assembly Committee on Governmental Organization.

Dr. Drummer asked what happened with the similar bill from last session and Ms. Arneson responded that it died in the second house a few weeks before the legislative deadline. Mr. Kaiser added that many bills were not considered due to the pandemic and not being deemed urgent.

ii. AB 54 (Kiley) COVID-19 Emergency Order Violation: License Revocation

Ms. Arneson reported that AB 54 is in the Assembly Business and Professions Committee and the Governmental Organization Committee.

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

Ms. Arneson reported that AB 107 is in the Assembly Business and Professions Committee and is similar to another bill from last legislative session and the Board has an exemption from this bill.

- iv. AB 225 (Gray, Gallagher, and Patterson) DCA: Boards: Veterans: Military Spouses: Licenses

Ms. Arneson reported that AB 225 is in the Assembly Business and Professions Committee

- v. AB 339 (Lee and Cristina Garcia) State and Local Government: Open Meetings

Ms. Arneson reported that AB 339 is still pending referral.

- vi. AB 646 (Low) DCA: Boards: Expunged Convictions

Ms. Arneson reported that AB 646 is in the Assembly Business and Professions Committee.

- vii. AB 657 (Bonta) State Civil Service System: Personal Services Contracts: Professionals

Ms. Arneson reported that AB 657 is in the Assembly Committee on Public Employment and Retirement.

- viii. SB 102 (Melendez) COVID-19 Emergency Order Violation: License Revocation

Ms. Arneson reported that SB 102 is in the Senate Business and Professions Committee.

- ix. SB 772 (Ochoa Bogh) Professions and Vocations: Citations: Minor Violations

Ms. Arneson reported that SB 772 is in the Senate Business and Professions Committee.

Ms. DeFoe, Executive Director of CPTA asked how PTBC would be exempt from AB 107 (Salas) Licensure: Veterans and Military Spouses. Mr. Kaiser responded that for the predecessor to this bill during last legislative session, PTBC worked with the author's office and had a lengthy discussion with Veterans Affairs and CalVet and asked to be exempted from that bill because a temporary license issued for a military spouse would take longer than the Board's current PTLA status.

14. Rulemaking Report – Brooke Arneson

(A) 2019 Rulemaking Update

Ms. Arneson presented an overview of the rulemaking report and referred the members to the rulemaking update in the meeting materials and discussed the current status of each rulemaking item.

i. Guidelines for Issuing Citations and Imposing Discipline, 6th Edition

Ms. Arneson reported that the Disciplinary Guidelines are currently with DCA Legal for review and at the September 2020 meeting, the Board made some slight modifications and staff are currently working with DCA Legal to make some final revisions to the package and get it to DCA Exec for final review so it can be sent to Agency for their review.

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

Ms. Arneson reported that this rulemaking package was submitted to DCA Legal for their review September 2020.

iii. FSBPT's Performance Evaluation Tool for Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States

Ms. Arneson reported that this rulemaking package was submitted to DCA Legal for their review September 2020.

iv. Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; Rehabilitation Criteria for Suspensions and Revocations

Ms. Arneson reported that the Notice was published by the Office of Administrative Law on June 26, 2020 and the 45-day public comment period ended on August 21st. Ms. Arneson added that the Board will review a written comment received under Agenda Item 14(B) today.

v. License Renewal Exemptions: Retired License Status

Ms. Arneson reported that staff will be presenting proposed language for Board consideration under Agenda Item 14(C) today.

vi. Continuing Competency

Ms. Arneson reported that all other items on the rulemaking tracking form are for potential rulemaking packages that will be presented to the Board for consideration in the upcoming year.

14. Rulemaking Report – *Brooke Arneson*

(B) Discussion and Possible Board Action regarding the Substantial Relationship Criteria; Rehabilitation Criteria for Denial and Reinstatement of Licensure; and Rehabilitation Criteria for Suspensions and Revocations Regulation

Mr. Kaiser presented the public comment received on proposed amendments to 16 CCR sections 1399.20, 1399.21 and 1399.22 related to Substantial Relationship and Rehabilitation Criteria. Mr. Kaiser added that the public comment that the Board received stated that the proposed language in the regulatory package appear to be vaguer and less clear than the Board's current existing regulations before the passage of AB 2138. Mr. Kaiser stated that the Board understands the concerns raised from the public comment; however, the proposed language is a result of the legislation from AB 2138, and while our current language does have more clarity; the legislation that it is rooted from has changed.

Mr. Kaiser stated that the proposed language has been vetted with DCA Agency and the Office of Administrative Law. Mr. Kaiser added that any changes to the proposed language as raised by the received public comment, would have to occur at the legislative level.

Dr. Drummer asked where this regulatory package is at in the rulemaking process and Mr. Kaiser responded that the public comment period recently commenced, and it is entering the final phase of review where the Board is addressing comments received and having a public hearing if necessary. Dr. Drummer asked if this proposed language has already been through DCA Legal for review and Mr. Kaiser responded yes, and Agency has also been involved in the development and review of the proposed language.

Dr. Drummer asked Board legal counsel's opinion on the public comment received and Mr. Kanotz, Boards legal counsel, deferred to DCA's Regulatory Attorney, Clay Jackson. Mr. Jackson responded that Ms. Wong, since writing the public comment received, has passed the bar and now is an attorney and is

also a licensed physical therapist. Mr. Jackson added that the Board is required to follow the statute and legislation from AB 2138, which the proposed regulatory language does, and the Board's proposed language is not in conflict with the statute. Mr Jackson stated that if there are legislative issues that concern Ms. Wong, she needs to bring those to the Board specifically or pursue them with the legislature.

MOTION: Move to direct the Executive Officer and staff to accept the comments on the Board's behalf, but reject the action(s) requested in the comments, provide the response to the comments (as indicated in the meeting materials), and authorize the Executive Officer to take the necessary actions to finalize the text and other documents, including delegating to the Executive Officer the authority to make any technical, grammatical or non-substantive changes that may be required in completing the rulemaking file, and then taking all steps necessary to file the regulation package with the DCA Executive Office, the California Business, Consumer Services and Housing Agency and then with the Office of Administrative Law, to complete the rulemaking process.

M/S: Eleby/McMillian

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

(C) Discussion and Possible Board Action regarding License Renewal Exemption: Retired License Status Regulation

Mr. Kaiser presented proposed language establishing procedures for the holder of a current unrestricted license to apply for retired license status for Board consideration and discussion. Mr. Kaiser provided a brief history of the retired license regulation package and retired license issue.

Mr. Kaiser stated that the PTBC retired license rulemaking package is modeled after a couple other DCA Boards that have similar language and was approved by the Office of Administrative Law. Mr. Kaiser added that staff anticipate completing a fee study to determine the administrative fee by the June Board meeting.

Mr. Kaiser directed members to the highlighted areas in the proposed language which are form numbers that will be inserted at a later date. He stated that PTBC has a current application that is utilized for retired license status that is simple and works very well and is not as complex as a renewal transaction. Mr. Kaiser stated that there would be an ability for a licensee to come out of retirement, and as long as they come out of retirement within five years (and not allow their license to go into cancelled status), they could return to active status just by paying the initial renewal fee and attest under penalty of perjury that they had 30 hours of continuing education within the last two years and they would return to active status.

Mr. Kanotz, Board legal counsel, added that he assisted staff with drafting the proposed regulatory language. He clarified that at five years, the way BPC 464 authorizes this regulation, the retired license would not go into cancelled status. He stated that the license would remain in retired license status unless or until the retired licensee fulfilled the requirements that are listed in the regulation: complete a different form that would restore the license to active status; pay the biannual renewal fee; satisfy continuing competency requirements; and if necessary, fulfill the fingerprinting requirements if they are not already on file already with DOJ.

Dr. Rabena-Amen asked for clarification that the retired license would stay in retired license status forever unless steps were taken to restore the retired license to active status and whether what Mr. Kanotz said is correct: that the retired license would not go into cancelled status after five years and would remain in retired license status in perpetuity.

Mr. Kaiser stated that he respectfully disagreed with Board legal counsel and asked counsel to review BPC 2647, which states that a person who fails to renew his or her license within five years after its expiration may not renew it, and it shall not be reissued, reinstated or restored thereafter; however, the

person may apply for a new license if he or she satisfies the requirements set forth in article 3 commencing with BPC 2635.

Dr. Drummer asked how a delinquent status impacts a licensee's ability to go into retired status and Mr. Kanotz replied that an individual who is currently in delinquent status would not be able to enter retired license status until the delinquent status was resolved and Mr. Kaiser agreed.

Mr. Kaiser and Mr. Kanotz agreed to discuss the issues identified above and come back to the Board with a more definitive answer and not have the Board take any action today. Mr. Kaiser added he was curious to see how this issue has worked out for other Boards that have been successful in passing regulatory language for retired license status.

15. Administrative Services Quarterly Update

(A) Budget Report

Mr. Kenneth Meiss, the Board's budget analyst presented the Budget Report and reported that the budget increased 9.4% from last fiscal year. He added that on 3/27/20 the DCA Budget Office initiated COVID-19 cost tracking which directs PTBC to track all costs weekly associated with COVID-19; including staff salaries for time spent on COVID-19 workload. Mr. Meiss reported that PTBC's budget is healthy and thanked DCA's budget office for their help and assistance.

Dr. Drummer asked why expenditures have grown so much this year and Mr. Meiss responded that it is mainly due the move to the new PTBC suite. Mr. Kaiser added that there was an increase in capital investment due to the new move and for staff being able to telework due to the pandemic which increased expenditures.

Dr. Rabena-Amen asked if the staff member on loan for COVID-19 contact tracing was still doing that and Mr. Kaiser responded yes, he is and will continue doing so until July 1, 2021.

(B) Outreach Report

Ms. Beauchamps reported that on the PTBC website there was a 10% decrease in traffic for quarter 1 and a 6% decrease in quarter 2 which is attributed to outreach efforts to go paperless and directing applicants and licensees to go directly to BreZE.

Ms. Beauchamps stated that for Facebook statistics, for quarter 1 there were 27,350 people accessing the Board's Facebook page which was a 1% decrease in traffic and for quarter 2 there were 12,320 people accessing the Facebook page which was a 55% decrease in traffic. Ms. Beauchamps stated that this decrease is attributed to the current pandemic and also historically, quarter 2 traffic always decreased because of holidays and social media usage during this time.

Ms. Beauchamps stated that PTBC has had a goal of reaching every PT and PTA program by the end of our strategic plan. She relayed that although we have not been able to travel to the schools as originally planned due to the pandemic, PTBC has provided 14 outreach presentations virtually since the start of the pandemic. Ms. Beauchamps added that PTBC has been to 20 of the 32 PT and PTA programs.

Ms. Beauchamps added that PTBC attended CPTA's virtual Student Conclave on March 20th and there are two new programs that PTBC will be visiting.

Ms. Beauchamps stated that the Winter 2020 Progress Notes are out and can be accessed on our website in the publications tab.

16. Application Services Quarterly Update

(A) Program Statistics

(B) Statistical Reports

Ms. Conley thanked her Application Services, Licensing Services and Continuing Competency Services staff for all of their hard work over the past year during the pandemic.

Ms. Conley reported that her staff continued to not only meet their mandate as the first step in consumer protection by evaluating applicants' qualifications for licensure during the pandemic, but also took the opportunity to identify innovative ways in which to meet stakeholders needs.

Ms. Conley reported that the Application Services unit are finalizing the recruitment process for two positions; a military endorsement analyst and the second being an OT to support the applications program.

Ms. Conley stated that there has not been a decrease in initial licenses issued and there has not been a huge impact with the pandemic. She

added that there were things to consider initially with the exam, however FSBPT worked diligently to provide access to applicants.

Ms. Conley added that PTBC has implemented a lot of automation and is currently working on updating the phone system so the phones can be answered offsite, which will make the applications program accessible from any location and provides additional flexibility for staff and increases services for stakeholders.

17. Licensing Services Quarterly Update

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

Ms. Conley reported that the Licensing Services Unit has been moving towards reconciliation rather than processing and with all of the automation processes available through BreEZe, licensees now can process their own requests if they meet the requirements through the BreEZe system.

18. Continuing Competency Services Quarterly Update

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

Ms. Conley reported that due to the pandemic, the Board has had to redirect continuing competency resources to Application Services to help with the operational need, therefore no licensee audit data is being reported at this meeting.

19. Consumer Protection Services Quarterly Update

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

Ms. Ybarra reported that enforcement staff continue to telework 3-4 days a week and come into the office 1-2 days a week and thanked staff for their hard work and commitment. Ms. Ybarra stated that healthier lifestyles have been reported as a result of working from home as well as providing relief to potential exposure to COVID-19.

Ms. Ybarra stated that the Attorney General's (AG) Office implemented a new system to transmit cases for discipline called the FX File Exchange which allows for cases to be transmitted electronically to the AG's office, which they can receive the same day that it is transmitted and does not require staff to make physical copies of the entire case transmitted.

(C) Processing Verification of Licensure

Mr. Vincent Azar walked the Board through the process of verification of licensure.

20. Probation Monitoring Services Quarterly Update

(A) Program Updates

(B) Statistical Reports

Mr. Martin reported that over the first two quarters of the fiscal year more licensees have completed probation than enter into probation which is true for the entire calendar year of 2020 due to the pandemic since PTBC was not getting any new cases.

Mr. Martin reported that PTBC has moved its invoicing for probation monitoring and cost recovery to be exclusively in BreEZe and now probationers are able to see all future payments and their due dates for the entire period of probation. Mr. Martin added that this also allows probationers to budget accordingly and make payments for what is currently due or what will be due in the future and the new process seems to be working great.

Mr. Martin stated that he started utilizing Microsoft Teams to conduct face-to-face probation monitoring interviews with a small number of probationers and the test interviews were successful, and PTBC now has plans to continue expanding the use of Microsoft Teams to conduct probation monitoring interviews.

21. Board Member Elections

(A) President

NOMINATION:

Ms. Eleby nominated Dr. Rabena-Amen as Board President.

NOMINEE:

Dr. Rabena-Amen

MOTION:

To elect Dr. Rabena-Amen as Board President.

M/S:

Eleby/Drummer

Dr. Rabena-Amen accepted the nomination.

VOTE:

Armstrong- Aye

Dominguez- Absent

Drummer – Aye

Eleby – Aye

Ervin – Aye
McMillian – Aye
Rabena-Amen - Aye
6-0 Motion carried

Dr. Alicia Rabena-Amen elected President for 2021.

(B) Vice-President

NOMINATION: Ms. McMillian nominated Ms. Eleby as Board Vice-President.
NOMINEE: Eleby
MOTION: To elect Ms. Eleby as Board Vice-President.
M/S: McMillian/Armstrong
Ms. Eleby accepted the nomination.

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

Ms. Eleby elected Vice-President for 2021.

(C) FSBPT Delegate

NOMINATION: Ms. McMillian nominated Mr. Ervin as Board FSBPT Delegate.
NOMINEE: Ervin
MOTION: To elect Mr. Ervin as Board's FSBPT Delegate.
M/S: Drummer/Eleby
Mr. Ervin accepted the nomination.

NOMINATION: Dr. Drummer nominated Ms. McMillian as Board FSBPT Delegate.
NOMINEES: McMillian

MOTION: To elect Ms. McMillian as Board FSBPT Delegate
M/S: Drummer
Ms. McMillian declined the nomination.
VOTE: Armstrong- Aye
Dominguez- Absent
Drummer – Aye
Eleby – Aye
Ervin – Abstain
McMillian – Aye
Rabena-Amen - Aye
5-0 Motion carried, 1 Abstention
Mr. Ervin elected FSBPT Delegate for 2021.

(D) FSBPT Alternate Delegate

NOMINATION: Ms. McMillian nominated Dr. Armstrong as Board FSBPT Alternate Delegate
NOMINEE: Dr. Armstrong
MOTION: To elect Dr. Armstrong as Board FSBPT Alternate Delegate.
M/S: McMillian/Drummer
Dr. Armstrong accepted the nomination
VOTE: Armstrong- Aye
Dominguez- Absent
Drummer – Aye
Eleby – Aye
Ervin – Aye
McMillian – Aye
Rabena-Amen - Aye
6-0 Motion carried
Dr. Armstrong elected FSBPT Alternate Delegate for 2021.

(E) FSBPT Back-up Alternate Delegate

The Board determined to use the procedure of establishing back-up alternate delegates in alphabetical order by last name of Board members.

Backup Alternate Delegates for 2021 are:

Dr. Dominguez
Dr. Drummer
Ms. Eleby
Dr. Rabena-Amen
Ms. McMillian

M/S: Rabena-Amen/Drummer

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

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).]

There was no public comment.

23. Agenda Items for Future Meeting –

June 24-25, 2021
Department of Consumer Affairs
WebEx

Dr. Drummer asked that the legal and practice opinions the Board provided last Fall regarding PT's managing line/drains and oxygen titration be distributed to members. Mr. Kaiser responded that they would be included in the June meeting materials.

Ms. Eleby asked that a Division of Investigation training be given to the members. Mr. Kaiser responded that there is a presentation of services by the AG scheduled for the June 2021 meeting and asked if members would prefer a DOI training or AG training first and Ms. Eleby responded that she would prefer an AG training be provided first and DOI second.

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.

The Board entered closed session at 2:44 p.m. and reconvened into open session to adjourn at 3:03 p.m. on March 24, 2021.

25. Reconvene Open Session

The Board reconvened from closed session into open session to adjourn at 3:03 p.m. on March 24, 2021.

25. Adjournment

The meeting adjourned at 3:03 p.m. on March 24, 2021.