



1

Board Members

President

Tonia McMillian

Vice-President

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

Members

Karen Brandon, P.T., DSc P.T.

Daniel Drummer, PT, DPT

Katarina Eleby, M.A

Johnathon Ervin

Alicia Rabena-Amen, PT, DPT

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

March 22-23, 2023 9:00 a.m.

University of the Pacific
751 Brookside Rd., Stockton, CA 95211
Chan Family Health Sciences and
Learning Center
PHS 110/111

Board Staff

Jason Kaiser, Executive Officer

Sarah Conley, Assistant Executive

Officer

Brooke Arneson, Specialist

Liz Constancio, Manager

Carole Phelps, Manager

Vacant, Manager

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 **Wednesday, March 22, 2023**
7

8 **1. Call to Order**
9

10 The Physical Therapy Board of California (Board) meeting was called to order
11 by President Ms. McMillian at 9:00 a.m. and recessed at 2:46 p.m. on March 22,
12 2023.
13

14 **2. Roll Call and Establishment of Quorum**
15

16 McMillian - Present
17 Armstrong- Present
18 Brandon - Present
19 Drummer - Present
20 Eleby – Present
21 Ervin - Absent
22 Rabena-Amen - Present
23

24 All members were present with the exception of Mr. Ervin, and a quorum was
25 established. Also present at the meeting were: Michael Kanotz, PTBC Legal
26 Counsel; Jason Kaiser, Executive Officer; Sarah Conley, Assistant Executive
27 Officer; Brooke Arneson, Legislation and Regulation Manager; Carole Phelps,
28 Enforcement Manager; and Board staff Kim Rozakis and Alicia Hernandez.
29
30

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

32
33 Dr. Brandon read the Board's mission statement: To advance and protect the
34 interests of the people of California by the effective administration of the
35 Physical Therapy Practice Act.
36

37 **4. Special Order of Business – 9:05 a.m.**

38 **(A) Petition of Early Termination – George Ghattas, PT**

39 *After submission of the matters, the Board will convene in CLOSED SESSION*
40 *to deliberate on the petitions pursuant to Government Code section 11126(c)(3)*
41

42 **5. Closed Session**

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

46 (B) Pursuant to Government Code section 11126(a)(1), the Board will convene
47 to Consider the Evaluation of Performance of the Executive Officer
48

49 The Board entered into closed session at 10:49 a.m. and reconvened into open
50 session to break for lunch at 12:02 p.m. on March 22, 2023.
51

52 **6. Review and Approval of December 7-8, 2022, Meeting Minutes – Kim**
53 **Rozakis**
54

55 Ms. Rozakis presented the draft December 7-8, 2022, meeting minutes. Dr.
56 Brandon requested that on page 13, line 176 "department" should be
57 "departments." Dr. Armstrong requested that page 15, line 246 should be
58 "pursuing" instead of "pursing." Dr. Armstrong requested that on page 15, line
59 25 should read " which will bring ads to people's phones where they will be
60 directed to CPTA's website." Dr. Brandon requested that on page 21, line 458
61 should read "PTBC's outreach program which educates soon to be graduates".
62 Ms. Rozakis notified the members that page 22, line 506 "CPS" should be "CC."
63 Dr. Brandon requested on page 22, line 524 "Alexander" should be "Alexandria."
64 Dr. Armstrong requested that page 23, line 550 should show "Performance
65 Measure one as Performance Measure 1 (PM1)." Dr. Brandon requested on
66 page 24, line 272 that "should" be changed to "there were".
67

68 **MOTION:** Adopt the proposed December 7-8, 2022, Meeting
69 Minutes as amended.
70

71 **M/S:** McMillian/Rabena-Amen

72
73 **VOTE:** McMillian - Present
74 Armstrong- Present
75 Brandon - Present
76 Drummer - Present
77 Eleby – Present
78 Ervin - Absent
79 Rabena-Amen - Present
80 6-0 Ayes, Motion Carried
81

82 **7. President's Report – Tonia McMillian**

83
84 (A) Board's Member Swearing In

85
86 Ms. McMillian swore in Dr. Brandon and Dr. Armstrong
87

88 (B) 2023 Meeting Calendar

89
90 Mr. Kaiser stated the next Board Meeting will be in Sacramento in June
91 and there is a tentative location in Southern California in September.
92 Additionally, he stated we are always looking for additional campuses and
93 one of the areas we are trying to center on is in the Bay Area for March.
94 Lastly, Mr. Kaiser asked the members to check their 2023 calendars for
95 any conflicts, but he had no additional changes to the calendar.
96

97 Dr. Rabena-Amen clarified if June will be a 3-day meeting. Mr. Kaiser
98 responded that June 2023 will be a 3-day meeting and the 1st day of the
99 June meeting will be focusing on PTBC's Strategic Planning session.
100

101 Ms. Eleby had a question regarding the dates for FSBPT in July, the dates
102 on the meeting materials show July 22 and 23, 2023. Mr. Kaiser verified
103 the date is July 15 and 16, 2023. PTBC staff stated that they would edit
104 the calendar to reflect this change.
105

106 (C) 2024 Proposed Meeting Calendar

107 Mr. Kaiser stated for the Sacramento meeting, PTBC has scheduled DCA-
108 NorthMarket-Hearing Room(1st Fl. South, #102) for June meeting, but we
109 are always looking for schools in Southern California or Bay Area to that are
110 willing to host the Board Meetings. Mr. Kaiser added that we currently do
111 not have any schools that will be hosting for 2024 yet.
112

113
114 **8. Executive Officer's Report – Jason Kaiser**
115

116 **(A) Administrative Services**

117 1) Staffing

118 Mr. Kaiser congratulated Dr. Brandon and Dr. Armstrong on their swearing
119 in and this will be the last meeting for Dr. Drummer and thanked Dr.
120 Drummer for his commitment and service.
121

122 Mr. Kaiser updated the members that the Board's Consumer Protection
123 Services Manager position has been filled by Ms. Carole Phelps. Mr. Kaiser
124 added the Analyst position under Admin has been filled by Ms. Alicia
125 Hernandez. Mr. Kaiser stated staff is finalizing recruitment for the
126 Application and Licensing Services Unit Manager vacancy and is expected
127 to make a hire in the near future.
128

129 Mr. Kaiser reported to the members there a few vacancies, 2 full-time
130 Analysts in the Consumer Protection Unit and effective July 1, 2023, 2 full-
131 time analysts in the Licensing Services Unit. Mr. Kaiser added we have a
132 new addition to the PTBC family, Outreach Liaison April Beauchamps has
133 welcomed a baby girl named Zinnia.
134

135 Lastly, Mr. Kaiser reported on Outreach to the members and acknowledged
136 the absence of the Communication and Education Liaison, April
137 Beauchamps who is out on maternity leave and that staff are trying to
138 maintain the level of excellence when it comes to PTBC's social media
139 presence and outreach and there may be some feedback upon April's
140 return.
141

142 **(B) Licensing Services**
143

144 Mr. Kaiser updated the members on Application Services and stated that
145 there are now 23 CAPTE accredited PTA programs in California with
146 another 7 in development and 18 CAPTE accredited PT programs with 1 in
147 development. Mr. Kaiser added that there is an anticipation of ongoing
148 increases in applications received and 35% of intake applications are
149 endorsement candidate or licensees who are coming from out of state. Mr.
150 Kaiser thanked Application Services staff for doing such a great job with
151 getting applicants licensed as quickly as possible.

152
153 (C) Consumer Protection Services

154 Mr. Kaiser updated the members on PTBC's Consumer Protection Services
155 Program and that he is appreciative of Ms. Phelps for stepping into the
156 management role and thanked staff for managing their own caseload and
157 keeping him on track while the CPS manager position was vacant.
158

159 **9. 2018-2022 Strategic Planning Final Report – Jason Kaiser & Sarah Conley**

160
161 Mr. Kaiser presented to the members he has been reflecting back on the
162 Strategic Planning Process of the last FY 2018-2022 Strategic Plan and how
163 quickly it went by. Mr. Kaiser shared since we last created the Strategic Plan,
164 we have seen 2 different Presidents, 2 different Governors, and 2 different
165 Directors of the Department of Consumer Affairs. He added that the Strategic
166 Plan has spanned over 10 different board members in the composition over the
167 PTBC and over 80% of PTBC Staff have seen the plan from beginning to end.
168 In addition, we didn't know what COVID was at the time, and we couldn't have
169 predicated the changes it would bring. Mr. Kaiser stated that we learned how
170 to work from home, we learned how to work in new ways, and we learned how
171 to be nimble and as agile as possible in the future. Most importantly, we learned
172 we understood our mandate at a very core level, and we were able to succeed
173 in a very trying time. We are now well into the endemic, but the lessons we
174 have learned during the pandemic are still fresh in our minds. Mr. Kaiser added
175 that the flexibility and resiliency will show up in the creation of the new Strategic
176 Plan and looking at the close of the strategic plan we wanted to look at the
177 successes and the shortcomings.
178

179 Mr. Kaiser shared the first set of goals, Enforcement. Goal 1.1, Identify and
180 implement improvement to the investigation and discipline process to decrease
181 enforcement processing times was complete. PTBC was able to assess and
182 update our performance measures with more reasonable timelines as well as
183 streamlining and modernizing those processes.
184

185 Mr. Kaiser shared Goal 1.2: Identify and establish additional position authority
186 for the probation monitoring program to help ensure effective monitoring of
187 probationers was complete. PTBC was able to establish a second probation

188 monitor position however that was sidelined by the pandemic, and we will
189 continue to review the need for additional monitor. But with combination of less
190 probationers and tele-means to monitor them, we have determined a single
191 monitor is sufficient for now and have reutilized that position authority for other
192 areas in the Enforcement Unit.

193
194 Mr. Kaiser shared Goal 1.3: Facilitate and promote consistent, effective,
195 efficient communication with enforcement stakeholders to optimize the quality
196 of services was complete. In an effort to go green and as a result of the
197 pandemic we now have better methods of communication with the Attorney
198 General's Office (AG) and the Division of Investigation (DOI). For example,
199 there are scheduled monthly meetings with both organizations where it is an
200 opportunity to check in, trouble shoot caseloads, and make sure everybody's
201 on the same track where that ultimately shrinks down time it takes for each
202 case. Mr. Kaiser reported that in another way to go green and the result of the
203 pandemic we are also using new tools in technology like secure web portals
204 where we can deposit case materials for AG or DOI review and also receive
205 that material back, which is more efficient.

206
207 Mr. Kaiser shared Goal 1.4: Review and revise enforcement procedure
208 manuals to reflect current business process to enhance the quality,
209 consistency, and sustainability of the enforcement program was complete. He
210 added that procedure manuals have always been kept at the board and we
211 have managed to keep the manuals update and current and staff are always
212 maintaining procedure manuals as we streamline processes.

213
214 Dr. Rabena-Amen asked what metrics are used. Mr. Kaiser responded some
215 have definite metrics when it comes to Performance Measures (PM's) with the
216 days and being able to attain the goals. Some of them like Probation Monitor
217 or even improving communication, we will provide examples on how those
218 areas were improved. For example, in the effort to go green and as a result of
219 the pandemic, we now have better methods of communication with the
220 Attorney's Office and the Division of Investigation. For example, they schedule
221 monthly meetings with both organizations where it is an opportunity for them to
222 check in, trouble shoot caseloads, and make sure everybody's on the same
223 track where that ultimately shrinks down the time it takes for each case.

224

Dr. Rabena-Amen thanked the Enforcement Unit for all of their work and for meeting these goals.

Ms. Conley shared the second set of goals, Licensing to the members. Goal 2.1: Evaluate and optimize the continuing competency program to determine and improve the effectiveness of the program was incomplete. Ms. Conley reported that staff began activities towards this objective, however unfortunately, in March 2020 with the pandemic, DCA issued a waiver for continuing competency which was in effect until March 2022. She added that, during that time we had an applications team member that was assigned to contact tracing and the application unit was down resources. Ms. Conley stated that for those reasons, the application staff was redirected to the Applications and Licensing Program and continuing competency (CC) activities were put on hold. On July 1, 2022, CC staff resumed CC activities and are hoping to pick up where they left off and work on the proposed CC regulation in the coming years.

Ms. Conley shared Goal 2.2: Evaluate and establish position authority for the continuing competency program to help ensure effective operations was complete. She stated that the Competency Program and the Administrative Services Program worked together to determine what is needed to successfully administer the CC program. A hire was made to fill that position, however, unfortunately, the position was redirected to Applications.

Ms. Conley shared Goal 2.3: Promote transparency and accessibility of licensing requirements and process to improve the stakeholder experience was complete. She added that we have done an evaluation of the material that is provided to applicants and licensees as far as the application process and license maintenance requests and updated that information on the website. Additionally, we are doing outreach, going out and explaining even further into detail requirements and process which has been a big part of improving that transparency and taking away any questions the applicants may have. PTBC staff are also sharing initial license information with the application, so they know what the expectations are, and they also have a program liaison so the program director can reach out with any questions and there is only one point of contact.

262 Dr. Rabena-Amen had a question on whether there was any surveying of
263 stakeholder experience to compare a pre and post change. Ms. Conley
264 responded that there are continuous surveys and survey data from the
265 beginning of the Strategic plan as well as the end.

266
267 Ms. Conley shared Goal 2.4: Analyze the program's operations and modify
268 them, if needed, to provide reasonable processing times while maintaining
269 consumer protection is incomplete. Ms. Conley stated that we have a new
270 application transaction in the BreEZe system which has streamlined the
271 process both for applicants as well as staff. In addition, we have evaluated the
272 processes just to see where we can internally cut additional time. PTBC staff
273 have also looked at what can fit in the process to make it easier and get it out
274 quicker while making sure they are maintaining consumer protection and
275 verifying all requirements are met. Ms. Conley thanked the applications team
276 for the improvements. Ms. Conley also added, BreEZe has helped a lot with
277 putting everything on their online account and communication through e-mail
278 and is seeing decreased processing time and increased satisfaction with
279 services.

280
281 Ms. Rabena-Amen asked how staff feels about Goal 2.4 being incomplete. Ms.
282 Conley responded that the foreign trained applicants did not get a full
283 evaluation of its process, and this is something we want to continue to work on.
284 Mr. Kaiser added with the efforts that were put into streamlining the U.S.
285 graduates process we want to be able to provide that same level of assessment
286 and efficiency for foreign trained. He added that we have not had a chance to
287 do that but there have been some steps that may have been improved like
288 adding coursework tool six or adding the performance evaluation tool from
289 FSBPT to the evaluation process. Mr. Kaiser stated the next step is to take a
290 look at the actual process and see if there are barriers that can be removed.

291
292 Ms. Conley shared Goal 2.5: Review and revise licensing procedure manuals
293 to reflect current business processes to enhance the quality, consistency, and
294 sustainability of the licensing program is complete. She added that Procedure
295 Manuals are important to meet the mandate and ensure requirements are met
296 for best customer services and we want to have consistency and well-informed
297 staff. Ms. Conley stated that a record is also provided so staff can periodically
298 assess these procedures and processes with the current environment and

299 make changes as necessary to be up to date and document why things are
300 done.

301
302 Mr. Kaiser shared the third set of goals, Communication and Education. Goal
303 3.1: Identify and establish position authority and resources to enhance the
304 relevant and timely information provided to stakeholders is complete. Mr.
305 Kaiser shared that we were able to establish a full-time permanent position as
306 the Communication Education Liaison, and during the transition of this strategic
307 plan we created a limited-term position to see if there was on going workload
308 that would make it necessary for a full-time position, which there was.

309
310 Mr. Kaiser shared Goal 3.2: Develop and promote an outreach campaign for
311 consumers of physical therapy to enhance awareness and communicate for
312 consumer protection was incomplete. Mr. Kaiser stated that during COVID-19
313 we focused the communication for consumers on pandemic related guidance
314 that was department wide but struggled to find meaningful outreach
315 opportunities to consumer directly as it pertained to physical therapy. He added
316 that not being able to go out and meet face to face was one of the reasons this
317 was a challenge and that there is room for improvements. This will be
318 discussed for the future strategic plan due to this being a challenging target to
319 hit.

320
321 Mr. Kaiser shared Goal 3.3: Collaborate with educational programs to improve
322 understanding about the application process and the role of the board was
323 complete. He stated that we had a goal to complete outreach presentations for
324 32 PT and PTA programs of which we superseded, and we have now provided
325 40 out of 41 programs and the majority of these presentations were done
326 multiple times. Mr. Kaiser stated that we try to provide two sessions to each
327 cohort; one session that is all about the board, composition and its mandate
328 (laws/ethics); and the second session is on the application process. Mr. Kaiser
329 thanked Ms. Beauchamps for meeting this goal.

330
331 Mr. Kaiser shared Goal 3.4: Develop and adapt a communication and
332 education strategy to inform all stakeholders about the regulation of the
333 profession was complete. He stated that almost all of the publication has been
334 revised and rebranded in one voice and as an example; our About Us, Menu
335 of Services, Host a Board Meeting flyer, Newsletter, revised the Model

Guidelines for Issuing Citations and Imposing Discipline all of which are out-facing documents for the public.

Mr. Kaiser shared Goal 3.5: Capitalize on the use of existing technologies (e.g., Facebook, website, Twitter, YouTube, e-blast, etc.) to enhance education and communication is complete. He added that content was provided for consumers, licensees, applicants and students via Facebook, Twitter, Instagram, LinkedIn, YouTube, listserv and Tick-Tock.

Mr. Kaiser shared Goal 3.6: Develop a procedure manual to reflect current business processes to enhance the quality, consistency, and sustainability of the communication and education program was complete. He stated that Ms. Beauchamps was tasked this, and her manual is so detailed that anyone could follow it.

Mr. Kaiser shared the fourth set of goals, Organizational Effectiveness. Goal 4.1: Relocate the board's office to an appropriately sized location to adequately support existing program operation and projected growth was complete. He stated that we managed to relocate to a larger space in a middle of a pandemic and under budget.

Mr. Kaiser shared Goal 4.2: Establish an assistant executive officer position to correct the structural imbalance faced by the board and further its mandate of consumer protection is complete. He stated that we have achieved this goal in establishing an AEO position for the Board.

Mr. Kaiser shared Goal 4.3: Establish appropriate position authority to effectively support board program and mandates is complete. He added that we have an established Probation Monitor, Continuing Competency Analyst, Outreach Liaison and Assistant Executive Officer and secure personnel for the Applications Unit and the Administrative Services Unit.

Mr. Kaiser shared Goal 4.4: Explore and establish effective methods to improve and expedite BreZE system functionality to enhance efficiency and provide better services to stakeholders is complete. He added that we have made numerous improvements to BreZE for both the applications and licensing side of things and the enforcement side is an ongoing project.

Mr. Kaiser shared Goal 4.5: Explore and develop an effective and consistent system to improve internal communication is complete. He added that part of this is pandemic related, where we had a whole new communication system like Outlook and Teams and Teams has created an ability for the Board to communicate internally in an efficient way.

Mr. Kaiser shared Goal 4.6: Establish and improve expectations and methods of communication and engaging with external stakeholders to strengthen customer service and foster relationships while enforcing the board's mandate is complete. He added that regular check-ins with our professional association both post and prior to board meetings and we are in the process of establishing a permanent position for the legislation and regulation liaison with the board.

Mr. Kaiser shared Goal 4.7: Review and revise administrative procedure manuals to reflect current business processes to improve the quality, consistency, and sustainability of the administrative unit is complete. He added we have taken the lessons learned from the Application and Licensing and Enforcement Units and applied those to creating procedure manuals for all those tasks that would be considered executive or administrative.

10. Strategic Planning Training SOLID – Shelly Jones

Ms. Jones and Ms. Ronnie presented a brief overview on the importance of Strategic Planning and the process DCA SOLID has in place to assist Boards and Bureaus in developing and updating their Strategic Plans.

11. Consumer and Professional Associations and Intergovernmental Relations Report

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

Mr. Kaiser updated the members that last month he attended the first in-person meeting of the sexual misconduct committee for FSBPT to establish best practices as it pertains to practitioners and what consumers can also expect in certain situations, which included, resources for students, existing practitioners, and consumers. Mr. Kaiser added that PTBC will present some of those materials to the Leadership Issues Forum held in July 2023.

410
411 Mr. Kaiser added in addition to the Leadership Issues Forum being held in
412 July, FSBPT has added a third day and FSBPT has invited the board to
413 attend their model Practice Act workshop being held on July 17, 2023. He
414 stated that this invitation is collaborative and will be joined by
415 representatives from CPTA and that he looks forward to joining CPTA in
416 this venture.

417
418 (B) Department of Consumer Affairs (DCA) – Executive Office
419

420 Ms. Jones reported to the members DCA is currently implementing Diversity
421 Equity and Inclusion (DEI), there is a Steering Committee for that. Ms.
422 Jones added at the end of January the Committee met and focused on
423 training in Q1 2023, there will be regular reoccurring training opportunities
424 provided. Ms. Jones added March 3, 2023, Training Unit led a full day of
425 training for DEI Steering Committee, the training included four modules
426 (understanding the value of DEI in the workplace, learning to navigate
427 diverse conversations, decoding our unconscious biases and unleashing
428 the power of generalization differences).

429
430 Ms. Jones stated on March 20, 2023, executive officers and bureau chiefs
431 attended half hour DEI leadership training to gain a general understating of
432 DEI, in late April the SOLID trainers will be DEI certified and will offer DEI
433 related training to all DCA employees by June. Additionally, the DEI
434 Committee is scheduled to meet on May 12, 2023.

435
436 Ms. Jones added that SOLID has updated their Strategic Planning Process
437 that includes Equity Analysis, Environmental Scan Survey and the SWOT
438 Analysis and have now included DEI questions to assist Boards and
439 Bureaus in developing DEI related goals and objectives.

440
441 Ms. Jones stated DCA has launched a centralized page on DCA's website,
442 in that webpage they will house all of DCA's Board and Bureau strategic
443 plans.

444
445 Ms. Jones reminded the members now is a great time to review all the
446 required board member trainings and submit certifications of completion to
447 the Executive Officer and DCA at the member relations e-mail. Ms. Jones

448 added there are two DCA wide mandatory trainings for 2023, Sexual
449 Harassment Prevention Training and Information Security Awareness
450 Training and can be accessed through Learning Management System
451 (LMS). Additionally, Ms. Jones reminded the members that Board Member
452 Orientation must be complete within the 1st year of appointment or re-
453 appointment, Ethics Training within 6 months of appointment and every 2
454 years there-after and Defensive Drivers Training within the 1st year then
455 every 4 years there-after.

456 Ms. Jones added for more information on trainings a page has been created
457 to help members identify access and track trainings. This page can be found
458 on the DCA webpage under DCA Board Member Resource Center.
459

460 Ms. Jones added regarding the virtual meetings and Bagley Keene Open
461 Meeting Act, Legislation passed last year that amended provisions of the
462 Bagley Keene will extend the ability of State bodies to conduct public
463 meetings virtually until July 1, 2023. Under the current provision no physical
464 meeting location is necessary and board member locations do not need to
465 be open to the public and members of the public can participate virtually or
466 telephonically. Ms. Jones recently added SB 544 was amended to include
467 Bagley Keene provisions, more information will follow.
468

469 Ms. Jones stated after July 1, 2023, Boards and Bureaus will not be allowed
470 to conduct meetings virtually without noticing locations of Board members
471 and will need to return to those teleconferencing requirements unless
472 additional legislation is enacted. Additionally, Board Bureau Relations
473 (BBR) winter newsletter was published in January that includes an
474 introduction of DCA's Board and Bureau Relations team along with helpful
475 resources training details and Department updates. The newsletter can be
476 found on DCA webpage.
477

478 (C) California Physical Therapy Association (CPTA)

479
480 Ms. Island updated the members on a few reminders. She stated that CPTA
481 will be hosting its annual conference this year in Long Beach, CA and
482 extended an invitation to PTBC to have an exhibit. She added that CPTA
483 has been working on a legislative project 2 years ago CPTA created a task
484 force to look at the modernization of the PT scope in CA, and that workgroup
485 completed its charge and has developed proposed legislative language and

would like the opportunity to share that language with the Board for feedback. Ms. Island stated that CPTA anticipates introducing this bill in early 2024 or 2025 if they are successful in finding an author. She added that in the next couple of months members of CPTA will have the opportunity to view the proposed language and provide feedback.

Dr. Armstrong asked Ms. Island on an update from December 2022 meeting regarding credentialing for PTs and OTs in the school district. Ms. Island responded that a bill was introduced; AB 381, which members will have the opportunity to look at and possibly discuss during the Legislation Report. Ms. Island added that AB381 creates an opportunity for Physical Therapist and Occupational Therapist to no longer be prohibited from obtaining a Health Care Services credential. Currently the statutes read Physical Therapist and Occupational Therapist are prohibited from obtaining a health care service credential. Ms. Island clarified AB381 strikes the language allowing that first step in PTs and OTs obtaining an Entry level credential then advanced certification and education would allow the second step of that which would secure health care service credential for those in the school-based setting.

Mr. Kaiser added the Board is scheduled to provide a Webinar Wednesday on April 12, 2023, that will cover ethics, law and regulation as well as a Q&A portion.

12. Communication & Education Update – Jason Kaiser

(A) Outreach

Mr. Kaiser reported that Outreach is on track and once Ms. Beauchamps returns there are some projects that are in the works for example, video tutorials for the application process and a couple other transactions that pertains to licensees.

Ms. Eleby asked Mr. Kaiser if the Board posts anything about association's events so students and licensees are aware of opportunities. Mr. Kaiser responded that has been done in the past and there will be a post regarding the webinar on April 12, 2023, but there has not been a collaboration nature.

Ms. McMillian stated she has noticed more sign language opportunities to reach the audience, Ms. McMillian asked if sign language will be included in the future. Mr. Kaiser answered accessibility issues is one of the things that will be found within the webcast for today's meeting as there is a closed captioning option but to assign an interpreter would be a whole different venue and it is something that will be looked into.

Dr. Rabena-Amen asked if there is any news on the new PTBC website. Mr. Kaiser responded that he has been notified that there will be a new working template and redesign of the new website by July 1, 2023. Mr. Kaiser added a lot of work has been completed when it comes to the tabs and design, and in the June meeting 2023 if it's not already published, that the Board can provide a visual capture of the drafts and what the new website will look like.

Dr. Rabena-Amen asked if there will be any opportunity for stakeholder feedback on the new website. Mr. Kaiser responded there will be built-in survey links in different sections of the website will include a customer service-based survey. Mr. Kaiser added feedback is always welcome and if there are good ideas, he will try to implement them.

Dr. Brandon asked if there is a model the Board is drafting the website after. Mr. Kaiser answered there are typical website templates that are designated for state service and there are a few to choose from. Mr. Kaiser added they are similar in nature, but the outlines are a little bit different from others, but 60-70% of Boards and Bureau's within the Department of Consumer Affairs have transitioned to the more modern template.

13. Public Comment on Items Not on the Agenda

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

14. Recess

The meeting recessed at 2:46 p.m. on March 22, 2023.

Thursday, March 23, 2023

560 **15. Call to Order**

561 The Physical Therapy Board of California (Board) meeting was called to order
562 by President Ms. McMillian at 9:00 a.m. and adjourned at 11:31 a.m. on March
563 23, 2023.

564 **16. Roll Call and Establishment of Quorum**

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568 Drummer - Present
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574 established. Also present at the meeting were: Michael Kanotz, PTBC Legal
575 Counsel; Jason Kaiser, Executive Officer; Sarah Conley, Assistant Executive
576 Officer; Brooke Arneson, Legislation and Regulation Manager; Carole Phelps,
577 Enforcement Manager; and Board staff Kim Rozakis and Alicia Hernandez.
578

579 **17. Reading of the Board’s Mission Statement**

580 Dr. Drummer read the Board’s mission statement: To advance and protect the
581 interests of the people of California by the effective administration of the
582 Physical Therapy Practice Act.
583

584 **18. Legislation Report – Brooke Arneson**

585 Ms. Arneson presented the Legislative Report and referred the members to the
586 legislative summary in the meeting materials and discussed the current status
587 and changes to each bill since the last Board meeting as follows:
588

589 **(A) 2023/23 Legislative Session Summary**

590 1) AB 47 (Boerner Horvath) Pelvic Floor Physical Therapy Coverage

591 Ms. Arneson reported that AB 47 is currently in the Assembly
592 Health Committee. Ms. Arneson added this bill would require a
593 health care services plan contract or health insurance policy
594

599 issued, amended, or renewed on or after January 1, 2024, to
600 provide coverage for pelvic floor physical therapy after pregnancy.

601
602 Dr. Brandon stated that she is support of AB 47 because the bill
603 supports quality and regulative care in California for at risk
604 consumers of physical therapy services. Dr. Rabena-Amen added
605 that she also agrees with this bill because it is very important for
606 consumers to have access to pelvic floor physical therapy care.

607
608 Ms. Defoe from CPTA stated that CPTA is also in support of AB
609 47. Ms. Defoe added she would appreciate the support of the
610 Board for this bill.

611

612 **MOTION:** Move to take a support position on AB 47 and direct
613 PTBC staff to work with the Board President to draft a
614 letter of support and send to the author's office and
615 legislature

616
617 **M/S:** Brandon/Rabena-Amen

618
619 **VOTE:** McMillian - Present
620 Armstrong- Present
621 Brandon - Present
622 Drummer - Present
623 Eleby – Present
624 Ervin - Absent
625 Rabena-Amen - Present
626 6-0 Ayes, Motion Carried

627
628 2) AB 229 (Patterson) Violent Felonies

629
630 Ms. Arneson reported that AB 229 was introduced on January 11,
631 2023 and is currently in the Assembly Public Safety Committee and
632 on March 15, 2023, it failed passage in that Committee. Ms.
633 Arneson added existing law defines the term "violent felony" for
634 various purposes, including, among others, enhancing the
635 punishment for felonies pursuant to existing sentencing provisions
636 commonly known as the Three Strikes Law. Ms. Arneson added
637 this bill would expand the crimes that are within the definition of a

638 violent felony for all purposes, including for purposes of the Three
639 Strikes Law, to include additional forms of sexual crimes, as
640 defined, human traffic, as defined, and felony domestic violence,
641 as defined.

642
643 3) AB 381 (Blanca Rubio) Teacher Credentialing: Services Credential
644 with a Specialization in Health: Occupational and Physical
645 Therapists
646

647 Ms. Arneson reported that AB 381 was introduced on February 2,
648 2023, and is currently in the Assembly Education Committee. Ms.
649 Arneson stated this bill would allow occupational therapists and
650 physical therapists to use their specialization to hold teacher
651 credentials with a specialized in health. Ms. Arneson added this bill
652 specifically would delete the provision specifying that services as
653 an occupational therapist or physical therapist are not health
654 services for purpose of a services credential with a specialization
655 in health.
656

657 Mr. Drummer asked if a form of this bill was presented last year.
658 Mr. Kaiser responded yes, and that the Board took a support
659 position on that bill at that time.
660

661 Ms. Defoe from CPTA, added that AB 381 is a CPTA sponsored
662 bill, and this is the third iteration of the bill, and it is the same as the
663 bill from the prior legislative session. Ms. Defoe added that CPTA
664 has more support for this bill this year and they feel very positive
665 and would appreciate the Board's support.
666

667 **MOTION:** Move to take a support position on AB 381 and direct
668 PTBC staff to work with the Board President to draft a
669 letter of support and send to the author's office and
670 legislature
671

672 **M/S:** Drummer/Rabena-Amen
673

674 **VOTE:** McMillian - Present
675 Armstrong- Present

676 Brandon - Present
677 Drummer - Present
678 Eleby – Present
679 Ervin - Absent
680 Rabena-Amen - Present
681 6-0 Ayes, Motion Carried
682

683 4) AB 557 (Hart) Open Meetings: Local Agencies: Teleconferences
684

685 Ms. Arneson reported that AB 557 was introduced February 8,
686 2023, and is currently in the Assembly Local Government
687 Committee. Mr. Arneson added that this bill would until January 1,
688 2026, extend the time required to make specified findings related
689 to teleconferenced meetings being held by legislative bodies
690 operating under the Ralph M. Brown Act during declared states of
691 emergency.
692

693 5) AB 796 (Weber) Athletic Trainers
694

695 Ms. Arneson reported that AB 796 was introduced on February 13,
696 2023, and is currently in the Assembly Business and Professions
697 Committee and the Assembly Committee on Arts, Entertainment,
698 Sports and Tourism. Ms. Arneson added this bill would enact the
699 Athletic Training Practice Act, which would establish, until January
700 1, 2028, the California Board of Athletic Training within the
701 Department of Consumer Affairs to exercise licensing, regulatory,
702 and disciplinary functions under the Act. Ms. Arneson added this
703 bill would prohibit a person from practicing as an athletic trainer or
704 using certain titles or terms without being licensed by the new
705 board.
706

707 Dr. Rabena-Amen asked if in AB 796 there a duplicative service
708 similar to Physical Therapists. Mr. Kaiser responded that yes, there
709 would be inference overlap.
710

711 Ms. Defoe from CPTA added that CPTA are watching the bill but
712 haven't taken a formal position. Ms. Defoe added at this time, as it

713 is written, the bill doesn't adequately define the scope and is vague
714 in that specific area along with the supervision requirements are
715 not quite where they would like to see them.
716

717 6) AB 814 (Lowenthal) Veterinary Medicine: Animal Physical
718 Rehabilitation
719

720 Ms. Arneson reported that AB 814 was introduced on February 13,
721 2023, and is currently in the Assembly. Ms. Arneson added the
722 Veterinary Medicine Practice Act provides for the licensure and
723 regulation of veterinarians and the practice of veterinary medicine
724 by the Veterinary Medical Board, which is within the Department of
725 Consumer Affairs. Ms. Arneson added that act makes it unlawful
726 for any person to practice veterinary medicine in this state without
727 a license and provides that the practice of veterinary medicine
728 includes, among other things, the treatment of whatever nature for
729 the prevention, cure, or relief of a wound, fracture, bodily injury, or
730 disease of an animal. Ms. Arneson added this bill would state the
731 intent of the Legislature to enact subsequent legislation to
732 authorize a veterinarian to refer an animal to licensed physical
733 therapist holding an advanced certification to provided animal
734 physical rehabilitation under the supervision of the veterinarian.
735

736 Dr. Drummer asked if Mr. Kaiser knows where the Veterinary
737 Medical Board stands at this point in the legislative session. Mr.
738 Kaiser responded that he doesn't believe Vet Med has had an
739 opportunity to discuss or confirm an actual position on the
740 proposed legislation.
741

742 Dr. Brandon asked if there is any information regarding the
743 advance's certification requirements, and if there is one entity that's
744 identifying the requirement. Mr. Kaiser responded that he is aware
745 but would like Ms. Atlas from the Physical Therapy Coalition to
746 address this question.
747

748 Ms. Atlas presented to the members that APTA seeks to establish
749 common sense laws and regulations to increase safe access to
750 animal care in California and it has been established there is an

751 access to care crisis for owners seeking treatment for their pets.
752 Ms. Atlas added they recognize animal rehab is one area of care
753 where access issues can be mitigated with a legislative remedy.
754 Ms. Atlas added that it is the intent of the legislature to enact
755 language to address the access to animal rehab care deficiency in
756 California. She added that as amended, AB 814 does not create a
757 new special license for PTs to practice physical therapy on animals
758 but provides a pathway for licensed PTs who has received
759 advanced education training and certification in animal rehab to
760 register with the Veterinary Medical Board to become a legitimate
761 provider of these services. Ms. Atlas added that a Doctor of
762 Veterinary Medicine would then be empowered once they have
763 examined, diagnosed, and determined that rehab care would be
764 beneficial for their animal patient then they can refer their animal
765 patient to an authorized physical therapist and provide their
766 supervision. Ms. Atlas added there are numerous supporting AB
767 814 including CPTA, PTs, veterinarians, animal welfare
768 organizations, educators and consumers.

769
770 Mr. Ayers, the lobbyist representing the Animal Physical Therapy
771 Collation added that he is happy to work with the Board on this bill.

772
773 Dr. Rabena-Amen asked Mr. Kaiser if the Board is receiving
774 notification from other Boards in a timely manner for possible
775 violation on a dual licensee. Mr. Kaiser responded it is far and
776 infrequent in between, a Board would need to have enough time to
777 investigate a case before they make a decision as to defer to the
778 PT Board for investigation. Dr. Rabena-Amen asked if an
779 amendment would be necessary. Mr. Kaiser answered that the PT
780 board are one those Boards with the Department of Consumer
781 Affairs that has a lot of overlap with other Boards in the Department
782 of Consumer Affairs. Mr. Kaiser added anytime where a Board
783 within Department of Consumer Affairs sanctions their licensees
784 who also happen to be a licensee with PTBC, the Board has the
785 authority to look at that and determine whether to not there is a
786 nexus to practice and whether it's substantially related to act
787 accordingly.
788

789 Dr. Drummer had a question for Ms. Atlas regarding the advanced
790 certification and if she has any insight as to what that may
791 potentially look like. Ms. Atlas answered that there are three
792 certifications' programs in the United States that certify physical
793 therapist and veterinarians to practice animal rehabilitation
794 confidently. She added that other states that have already enacted
795 legislation regarding animal rehabilitation instead of naming an
796 institution to certify these licensees, rather they outlined the criteria
797 and course work that is necessary to accomplish. Ms. Atlas added
798 this bill that is being proposed is to have the Veterinary Board and
799 Physical Therapy Board work together to figure out what that
800 competency looks like for the State of California.

801
802 Dr. Drummer asked how many states allow physical therapists to
803 practice on animals. Ms. Atlas answered she believes there are
804 seven, she stated that Nevada, Colorado, and Nebraska have
805 some really nice regulations that are clearly stated and are working
806 well. Ms. Atlas contacted the board authorities of those 3 states,
807 and they all had zero complaints of harm and negligence and zero
808 disciplinary actions and complaints.

809
810 Dr. Drummer asked Ms. Atlas if there are any states that are silent
811 on the issues and would passively allow physical therapists that
812 don't have express provisions against it and Ms. Atlas responded,
813 Oregon.

814
815 Dr. Drummer asked Ms. Atlas how she is able to work with animals.
816 Ms. Atlas responded she has a practice where she has a managing
817 veterinarian who holds a premise permit and requires a referral
818 from a veterinarian. Ms. Atlas added her on-site veterinarian
819 establishes a veterinarian client relationship and then is able to
820 work under their supervision. Ms. Atlas added that the Physical
821 Therapy Practice Act is only related to humans.

822
823 Ms. McMillian asked Ms. Atlas if a referral from a veterinarian is
824 mandated. Ms. Atlas answered no, veterinarians are only allowed
825 to refer to other veterinarians.
826

827 Mr. Kaiser asked Ms. Atlas what the proposal looks like on the VMB
828 side. Ms. Atlas responded they are calling it an authorization of it is
829 not necessarily a certification. Ms. Atlas added you are not able to
830 receive one of these rehab premises permits unless the physical
831 therapist is already qualified with the appropriate education.

832
833 Dr. Rabena-Amen asked if someone holds a premise permit, is that
834 permit something VMB can take a disciplinary position on. Mr.
835 Kaiser responded the premise permit allows the Veterinary Medical
836 Board jurisdiction to the premise (inspection, approval). Dr.
837 Rabena-Amen asked what disciplinary action equivalent is in this
838 authorization. Mr. Kaiser responded based on the veterinarian
839 onsite, VMB carves out jurisdiction appropriate clinical care,
840 sanitization, etc. Mr. Kaiser added they can withdraw that as well,
841 during an inspection, they can do a site and fine or a discipline
842 against the actual premise permit.

843
844 Ms. Defoe from CPTA stated that they are in support of this bill and
845 are working closely with Ms. Atlas. She added that this bill was
846 seen before, and this bill as written, makes sense and provides
847 more administration and oversight then there currently is and
848 allows PTs to practice in their own site.

849
850 7) AB 820 (Reyes) State Boards and Commissions: Seniors

851
852 Ms. Arneson reported that AB 820 was amended on March 20,
853 2023, and is currently in the Assembly Aging and Long-Term Care
854 Committee. Ms. Arneson added that this bill requires that the
855 composition of various advisory groups and bodies to include a
856 state agency official that advocates on behalf of older adults as
857 defined, or a representative from an organization that serves or
858 advocates on behalf of older adults. Ms. Arneson added older
859 adults is defined as a person 60 years of age or older.

860
861 Dr. Rabena-Amen asked if the bill is wanting someone who is an
862 older adult on boards and committees or are they wanting someone
863 who advocates for older adults. Ms. Arneson answered as the
864 language stands now it's both, they want somebody who's going to

865 advocate for that, or one representing the senior demographic to
866 have a larger demographic of older adults on boards.
867

868 8) AB 931 (Irwin) Prior Authorization: Physical Therapy
869

870 Ms. Arneson reported that AB 931 was introduced on February 14,
871 2023, and is currently in the Assembly Health Committee. Ms.
872 Arneson added this bill would prohibit a health care services plan
873 contract or health insurance policy issued, amended, or renewed
874 on or after January 1, 2025, that provides coverage for physical
875 therapy from imposing prior authorization for the initial 12 treatment
876 visits for a new episode of care for physical therapy.
877

878 Ms. Defoe from CPTA stated AB 931 is a CPTA sponsored bill, and
879 that this bill is another iteration of a bill from last session but even
880 more simplified from last session due to this bill really focusing on
881 the number of visits that would be allowed before prior
882 authorization as needed. Ms. Defoe added CPTA thinks this is
883 really important due to this issue creating a lot of barriers to care
884 and delays for patient's interruptions of care and takes away from
885 time of practice. Ms. Defoe would love the support of the board as
886 CPTA sees this as an access to care and consumer issue.
887

888 Mr. Kaiser added this is a catch-up bill for AB 1000 and third-party
889 payers would be paying for direct access and right now the difficulty
890 is because they are not, it limits direct access to a cash pay basis.
891 Ms. Defoe added this bill really is allowing the patient to get all the
892 care that is needed and that's included in their insurance and that
893 is decided by the physical therapist and many times referred by
894 their physicians. Ms. Defoe added the ability to get that care right
895 away and continue with that care without any delays or interruption
896 that come from the prior authorization review process.
897

898 Dr. Drummer asked Ms. Defoe if there are specific insurance
899 companies that are demanding prior authorization. Ms. Defoe
900 answered it is across the board and is more a third-party payer
901 issue.
902

903 Dr. Brandon asked Ms. Defoe if there is a reason or evidence
904 supporting the 12 visits. Ms. Defoe responded studies show 12 is
905 the average number of visits that are required to get the patient
906 what they need. Dr. Rabena-Amen added that Physical Therapists
907 need to do what's right for the client, if that's six visits or twelve
908 visit, but when she gets three and can't see them the second week
909 and there is a problem. Dr. Rabena-Amen clarified insurances
910 sometimes only give three visits. Ms. Defoe added three is very
911 typical and the PT determines the level and have them available in
912 their insurance that is paid.

913 **MOTION:** Move to take a support position on AB 931 and direct
914 PTBC staff to work with the Board President to draft a
915 letter of support and send to the author's office and
916 legislature

917
918 **M/S:** Brandon/Rabena-Amen

919
920 **VOTE:** McMillian - Present
921 Armstrong- Present
922 Brandon - Present
923 Drummer - Present
924 Eleby – Present
925 Ervin - Absent
926 Rabena-Amen - Present
927 6-0 Ayes, Motion Carried

928
929 9) AB 996 (Low) DCA: Continuing Education: Conflict-of-Interest
930 Policy

931 Ms. Arneson reported that AB 996 was introduced on February 15,
932 2023 and is currently in the Assembly Business and Professions
933 Committee. Ms. Arneson added that this bill would require entities
934 within the DCA, who require licensees to satisfy continuing
935 education requirements, to develop and maintain a conflict-of-
936 interest policy that discourages the use of any continuing education
937 course, if the provider of that course has an economic interest in a
938 commercial product or enterprise promoted in that course. Ms.
939 Arneson added the Board has ready has a conflict-of-interest policy
940 defined in the Boards regulation for "standards for approval
941 agencies" specifically in CCR 1399.95(f).

942 Dr. Rabena-Amen asked that if this bill was to go through, would
943 this create a situation like the retired status where the Board
944 already has something, and the Board would have to review it all
945 over again. Mr. Kaiser responded no, the retired status provision
946 was granted when during the legislative session, a bill was
947 introduced that added the ability for any Board and Bureau under
948 the Department of Consumer Affairs in the general provisions to
949 create a retired status. Mr. Kaiser added the conflict at that time,
950 was there additional functionality, while the Board already had a
951 retirement status the Board like the new general provision better
952 because of its specificity.

953 10) AB 1028 (McKinnor) Reporting of Crimes: Mandated Reporters
954

955 Ms. Arneson reported that AB 1028 was introduced on February
956 15, 2023 and is currently in the Assembly Public Safety Committee.
957 Ms. Arneson added that the current law requires health
958 practitioners, as defined, to make a report to law enforcement when
959 they suspect a patient has suffered physical injury that is either self-
960 inflicted, caused by a firearm, or caused by assaultive or abusive
961 conduct, including elder abuse, sexual assault, or torture. Ms.
962 Arneson added this bill would, on and after January 1, 2025, remove
963 the requirement that a health practitioners make a report to law
964 enforcement when they suspect a patient has suffered physical
965 injury caused by assaultive or abusive conduct.
966

967 Ms. McMillian had a motion to draft a letter of opposition, but the
968 motion was not second. Therefore, the motion has died.
969

970 Ms. Eleby stated that this bill gives discretion more to the health
971 care practitioner and gives the patient a little more privacy if they
972 don't want law enforcement involved and they were injured before
973 assumptions are made. Ms. Eleby would like to learn more about
974 this bill before taking a hard position.
975

976 Ms. McMillian stated she was in favor of opposing this bill, she
977 added that if you are counting on a person who is being abused to
978 report it historically it will not happen. Ms. McMillian added you
979 cannot expect a health practitioner to ignore injuries they are

980 seeing because a patient does not want them to report it to law
981 enforcement, sometimes these decisions are lifesaving.

982
983 Dr. Brandon stated AB 1028 may cause unreported cases as in the
984 case of pediatric patients seeking rehabilitation services seen at
985 her facility and others like it.

986
987 Ms. Rabena-Amen stated as a mandated reporter if there is
988 suspicion, we report it, the lines would be very blurred for her.

989
990 Dr. Drummer stated the bill as he sees it now, it does not prohibit
991 anybody from reporting, this bill only removed the obligation to
992 report. Dr. Drummer would like to wait until the June meeting to see
993 if more information is provided regarding the provisions of this bill.

994
995 Mr. Kaiser added that he and Ms. Arneson will have an open
996 conversation with the author and bring back the relevance to the
997 Board at the June meeting.

998
999 Ms. Defoe from CPTA stated that she will take this bill back to
1000 CPTAs Government Affairs Committee.

1001
1002 11)AB 1070 (Low) DCA: Vacancies

1003
1004 Ms. Arneson reported that AB 1070 was introduced February 15,
1005 2023. Ms. Arneson added this bill is spot bill relative to the
1006 Director's duty to notify the legislature of any chief or executive
1007 officer position.

1008
1009 12) AB 1751 (Gibson) Opioid Prescriptions: Information:
1010 Nonpharmacological Treatments for Pain

1011
1012 Ms. Arneson reported that AB 1751 was introduced on February
1013 17, 2023, and is currently in the Assembly Health and Business
1014 and Professions Committees. Ms. Arneson added current law
1015 requires a prescriber before directly dispensing or issuing for a
1016 minor the first prescription for a controlled substance containing an
1017 opioid in a single course of treatment, to discuss specified

1018 information with the minor, the minor's parent or guardian, or
1019 another adult authorized to consent to the minor's medical
1020 treatment. Ms. Arneson added this bill would extend that
1021 requirement for the prescriber by applying it to any patient, not only
1022 a minor and would also require the prescriber to discuss the
1023 availability of nonpharmacological treatments for pain. For
1024 purposes of this bill nonpharmacological treatments for pain are
1025 defined to include but are not limited to acupuncture, chiropractic
1026 care, physical therapy, occupational therapy and licensed mental
1027 health provider services.

1028
1029
1030 13) SB 14 (Grove, Caballero, and Rubio) Violent Felonies: Serious
1031 Felonies: Human Trafficking

1032
1033 Mr. Arneson reported that SB 14 was amended in the Senate on
1034 February 23, 2023, and is currently in the Senate Public Safety
1035 Committee. Ms. Arneson added current law defines the terms
1036 "serious felony" and "violent felony" for various purposes, including,
1037 among others, enhancing the punishment for felonies pursuant to
1038 existing sentencing provisions commonly known as the Three
1039 Strikes Law. Ms. Arneson added this bill would include human
1040 trafficking within the definition of a serious felony for all purposes,
1041 including for purposes of the Three Strikes Law.

1042
1043 14) SB 259 (Seyarto) Reports Submitted to Legislative Committees

1044
1045 Ms. Arneson reported that SB 259 was introduced on January 30,
1046 2023, and is currently in the Senate Appropriation Committee. Ms.
1047 Arneson added this bill would require a state agency to post on its
1048 internet website any report, as defined in this bill, that the state
1049 agency submits to committee of the Legislature. Ms. Arneson
1050 added for the purpose of this bill, report includes a study, audit or
1051 any report identified in the Legislative Analyst's supplement Report
1052 of the Budget Act.

1053
1054 15) SB 764 (Padilla) DCA: Regulatory Boards: Removal of Board
1055 Members

1056
1057 Ms. Arneson reported that SB 764 was originally a spot bill
1058 regarding the removal of Board members if a member discloses
1059 questioned in advance of or during the examination; however, it
1060 was amended on March 22, 2023, to be a bill regarding minor users
1061 for social media platforms and is no longer an impact on the PTBC.

1062

1063 16) SB 770 (Wiener) State Boards and Commissions

1064 Ms. Arneson reported that SB 770 was originally a spot bill related
1065 to the composition of state boards and commission however it was
1066 amended on March 20, 2023, to address unified health care
1067 financing and is no longer an impact to the PTBC.

1068 17) SB 816 (Roth) Interior Designers)

1069 Mr. Arneson reported that SB 816 was introduced on February 17,
1070 2023, and is currently in the Senate Business and Professions and
1071 Economic Development Committee. Ms. Arneson added this bill is
1072 the Business and Professions Code omnibus bill. In addition, this
1073 bill would establish the California Council for Interior Design
1074 Certification to govern the certification and regulation of interior
1075 designers. Mr. Kaiser added this bill will be the Omnibus bill for all
1076 of the BMP, any kind of minor modification Department of
1077 Consumer Affairs boards and bureaus are asking to be included in
1078 this bill could hang onto the interior design conversation.

1079 **19. Rulemaking Report – Brooke Arneson**

1080 Ms. Arneson presented the rulemaking report. Ms. Arneson thanked the Boards
1081 regulatory attorney at DCA, Heather Hoganson, and stated that she has been
1082 instrumental in the forward progression of these final rulemaking packages. Ms.
1083 Arneson added Ms. Hoganson has accepted a promotional opportunity at
1084 another agency, and the Board will be assigned a new regulatory counsel in the
1085 upcoming months. Ms. Arneson wishes Ms. Hoganson all the best and
1086 expresses her appreciate for her dedication as PTBC has greatly enjoyed
1087 working with her over the past few years.

1088 **(A)** 2023 Rulemaking Update for Pending or Proposed Regulations (Title
1089 16, California Code of Regulations (16 CCR))

1090 1) Proposed Amendments to 16 CCR section 1398.26.1 –
1091 Satisfactory Documentary Evidence of Equivalent Degree for
1092 Licensure as a Physical Therapist of Physical Therapist
1093 Assistant/Coursework Tool
1094

1095 Ms. Arneson reported that the Coursework tool regulation was
1096 approved by OAL on December 14, 2022, and the regulation
1097 became effective January 1, 2023, as the Board asked for an early
1098 effective date from OAL. She added that if the Board would have
1099 not requested an early effective date, this regulation would have
1100 been effective April 1st according to OAL's processing times.
1101

1102 2) Proposed Amendments to 16 CCR section 1398.26.5 – Clinical
1103 Service Requirements for Foreign Educated Applications
1104 Completing a Supervised Clinical Practice in the United States
1105

1106 Ms. Arneson reported that the Performance Evaluation Tool
1107 regulation's final rulemaking package was submitted to OAL on
1108 November 7, 2022. Ms. Arneson added during OAL's review they
1109 had concerns regarding clarity in the proposed language
1110 specifically in subsection (g) and PTBC withdrew the rulemaking
1111 package on December 21st and the proposed language was
1112 modified per OAL's recommendation. Ms. Arneson stated this
1113 modified text was noticed for a 15-day public comment period from
1114 February 9th to February 25th and no comments were received. Ms.
1115 Arneson reported that she will address the modified proposed
1116 language further for Board consideration under Agenda Item 19(B).
1117

1118 3) Proposed Amendments to 16 CCR 1399.18, 1399.50 and 1399.52
1119 – Retired License Status and Physical Therapist and Physical
1120 Therapist Assistant Fees
1121

1122 Ms. Arneson reported that the retired license regulation was
1123 approved by OAL on December 8, 2022, and also became effective
1124 January 1, 2023, as PTBC asked for an early effective date from
1125 OAL.

1126
1127 4) Update Regarding the Development of Possible Amendments to
1128 the Board's Continuing Competency Regulations
1129

1130 Ms. Arneson reported on the continuing competency regulations
1131 and stated that PTBC staff are still in the process of researching
1132 and developing proposed language for consideration by the Board
1133 at future meeting date.
1134

1135 Mr. Drummer suggested to add language that would include
1136 serving as a Board Member as a potential for satisfying
1137 requirements.
1138

1139 **(B)** Possible Adoption and Response to Comments on 16 CCR sections
1140 1398.26.5, - Clinical Service Requirements for Foreign Educated
1141 Applications Completing a Supervised Clinical Practice in the United
1142 States
1143

1144 Ms. Arneson reported that during OAL's final review they had concerns
1145 regarding clarity in the proposed language and stated that:
1146

1147 "1398.26.5(g) is unclear. The text requires "the user" to create an
1148 account to access the PET. The issue is that "user" is ambiguous and
1149 could be interpreted to mean either the supervisor and/or the applicant.
1150 While the proposed text doesn't define "user," the Initial Statement of
1151 Reasons more specifically describes the effect of (g), which is that the
1152 "user" would be the supervisor of the applicant. As is, because the text
1153 doesn't align with the effect described in the record, and the term "user"
1154 could be reasonably interpreted to have more than one meaning, this
1155 proposed language is unclear. OAL recommends modifying the text to
1156 clarify the provisions of (g) and then making the modified text available
1157 for a 15-day notice and comment period."
1158

1159 Ms. Arneson reported that the Board withdrew the proposed rulemaking
1160 file and modified the proposed language per OAL's recommendation.
1161 No comments were received during the 15-day public comment period.
1162 Ms. Arneson stated as seen in the attachment of the proposed
1163 language, highlighted in yellow shows the edits most recently made to
1164 the text : the modified text first updates FSBPT's website to include the
1165 direct link for the PET and additionally clarifies that the email to be used

is not the “user” as defined in the originally proposed language, but that of the “supervising physical therapist” which will address the clarity issue. Ms. Arneson added the modified proposed language presented today for Board consideration was discussed with OAL before being noticed for public comment and OAL indicated that the modifications met their concerns.

Ms. Arneson added the final steps to the rulemaking process for this regulation would be resubmitting the final rulemaking package with OAL for their review and then asking for this regulation to become effective upon filing with the Secretary of State, if that is not granted by OLA this regulation will become effective on July 1, 2023.

MOTION: Adopt Section 1398.26.5, including the incorporated forms, as amended by the noticed modifications, and authorize the Executive Officer to take all steps necessary to resubmit the rulemaking package to the Office of Administrative Law to complete the rulemaking process, including making any technical or non-substantive changes to the proposed regulations as necessary

M/S: Drummer/Eleby

VOTE: McMillian - Present
Armstrong- Present
Brandon - Present
Drummer - Present
Eleby – Present
Ervin - Absent
Rabena-Amen - Present
6-0 Ayes, Motion Carried

20. Administrative Service Update
(A) Budget Report – Alicia Hernandez

Ms. Hernandez reported to the members at this time they are at a status quo and are on track going into the Q2. Ms. Hernandez stated PTBC reports expenditures for Q2 for fiscal year 2022-2023 at 1.7 million which is a slight increase from last year’s Q2, however, on the plus side PTBC has reported an

increase of 5.52% in revenue collection about 2.2 million. Ms. Hernandez added there is no other action needed as part of the budget report.

21. Licensing Services Update – Valerie Kearney

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

(C) Discussion and Possible Board Action on Removal of Continuing Competency Approval Agency Recognition

- 1) Life Care Centers of America
- 2) Los Robles Hospitals & Medical Center
- 3) Milestone Continuing Education
- 4) Pacific Alliance Medical Center
- 5) Pathways Home Health & Hospice

Ms. Kearney reported that the Applications Unit is headed into the PT and PTA graduation season with no backup of applications. She added that with regards to the applications statistics of the 46 non-captee accredited applications received in Q2 twenty of those were by endorsement, they also received two applications for Electroneuromyography certification bringing the total ENMG certified current PT licensees to 24 and there are 29 ENMG certified PT licenses.

Ms. Kearney stated the 1402 initial license application received represent an increase of 9% over Q1/2 in 2022, 98% of those applications received were submitted online, 93% were U.S. educated and 65% were exam applications and 35% were by endorsement. Foreign educated is non-captee accredited and Military applications were 7% and 3% respectively.

Ms. Kearney added two of these statistics reports are now system generated: the application services and licenses maintenance statistic reports. She stated that the licenses maintenance report included average processing times and she hopes to include processing times on the applications service's statistics report by the June board meeting.

1242 Ms. Kearney stated that license maintenance staff has implemented the retired
1243 license status regulation January 1, 2023, and that also in January 2023,
1244 licensee request for verification sent to other states was reassigned from the
1245 CPS Unit to license maintenance with no impact. Ms. Kearney reported that
1246 there was an error on the continuing competency audit statistic report, the
1247 number of PTs who failed the audit should be 6 not 13 for a total of 19 for Q1
1248 and two. Ms. Kearney added there was a total of 229 PTs audited during the
1249 two quarters with a pass rate of 94% for PTs and 97% for PTAs, she stated that
1250 licensees overall are in compliance.

1251
1252 Ms. Kearney reported approval agency audits by the continuing competency
1253 team are ongoing and there are five agencies for which withdrawal of the agency
1254 approval status are being requested.

1255
1256 Ms. Eleby asked Ms. Kearney where most of the foreign educated applications
1257 comes from. Ms. Kearney responded she did not know off hand but would
1258 provide that at a later date. Mr. Kaiser added Philippines and India.
1259

1260 **MOTION:** Move to withdraw the Approval Agency recognition
1261 from Life Care centers of America as a reasonable
1262 opportunity was given for Agency to respond.

1263
1264 **M/S:** Rabena-Amen/Drummer

1265
1266 **VOTE:** McMillian - Present
1267 Armstrong- Present
1268 Brandon - Present
1269 Drummer - Present
1270 Eleby – Present
1271 Ervin - Absent
1272 Rabena-Amen - Present
1273 6-0 Ayes, Motion Carried

1274
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1277 **MOTION:** Move to withdraw the Approval Agency recognition
1278 from Los Robles Hospital & Medical Center as a
1279 reasonable opportunity was given for Agency to
1280 respond.

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M/S: Eleby/Drummer

VOTE: McMillian - Present
Armstrong- Present
Brandon - Present
Drummer - Present
Eleby – Present
Ervin - Absent
Rabena-Amen - Present
6-0 Ayes, Motion Carried

MOTION: Move to withdraw the Approval Agency recognition from Milestone Continuing Education as a reasonable opportunity was given for Agency to respond.

M/S: Drummer/Brandon

VOTE: McMillian - Present
Armstrong- Present
Brandon - Present
Drummer - Present
Eleby – Present
Ervin - Absent
Rabena-Amen - Present
6-0 Ayes, Motion Carried

MOTION: Move to withdraw the Approval Agency recognition from Pacific Alliance Medical Center as a reasonable opportunity was given for Agency to respond.

M/S: Eleby/Brandon

VOTE: McMillian - Present
Armstrong- Present
Brandon - Present
Drummer - Present
Eleby – Present
Ervin - Absent

Rabena-Amen - Present
6-0 Ayes, Motion Carried

MOTION: Move to withdraw the Approval Agency recognition from Pathways Home Health & Hospice as a reasonable opportunity was given for Agency to respond.

M/S: Rabena-Amen/Eleby

VOTE: McMillian - Present
Armstrong- Present
Brandon - Present
Drummer - Present
Eleby – Present
Ervin - Absent
Rabena-Amen - Present
6-0 Ayes, Motion Carried

Ms. Defoe from CPTA stated that the continuing competency regulations are on the rulemaking calendar and looks like the regulations are still in development at this point. Ms. Defoe asked if there will be an opportunity for the public to be involved, and if so, will it be on the rulemaking calendar or will there be an opportunity earlier than that. Ms. Kaiser answered there are no plans for the Board to put together a task force, but there is always an opportunity for stakeholder participation during the promulgation of those regulations.

22. Consumer Protection Services Update – Carole Phelps

(A) Program Updates

(B) Statistical Reports

Ms. Phelps presented to the members that CPS Analyst Vincent Azar transferred to his new position in the Admin Unit in December and she became serving as the CPS Manager in February. She reported that, with those changes CPS are currently short staffed and are working to fill the vacant positions to alleviate the increased workload on the remaining analysts.

Ms. Phelps stated the new facility site visit inspection checklist is now being used by investigators during site visits, and that this checklist was created to aid

1365 them in conducting thorough investigations and they will provide an opportunity
1366 for feedback.

1367
1368 Ms. Phelps added as of the beginning of December, CPS staff now have access
1369 to Lexus Nexus, a public records database that allows the analyst to search
1370 individuals they are investigating.

1371
1372 Ms. Phelps stated CPS continues to meet monthly with supervising special
1373 investigator over DOI, to have an open line of communication between the
1374 Board and DFI. She added that CPS is currently working on reviewing and
1375 updating DFI procedures specific to investigating Physical Therapy Board
1376 cases, they also continue to meet monthly with the Dag Liaison on cases and to
1377 discuss and review improvements to specific procedures and to the overall
1378 discipline process.

1379
1380 Ms. Phelps added the CPS unit has experienced many changes this year and
1381 has implemented several new tools, procedure updates and improvements to
1382 make the Board's investigation process as efficient and effective as possible.
1383 Ms. Phelps added staff has met each new challenge and change with flexibility,
1384 cooperation and support both to each other and management and they are truly
1385 exceptional at what they do.

1386
1387 Ms. Phelps reported to the members on the statical reports. Ms. Phelps added
1388 the report covers fiscal year through Q2 which is October to December 2022.
1389 Performance Measure 1 (PM1) reports the number of consumer complaints and
1390 arrests, or conviction reports the board received. While they have received
1391 slightly fewer conviction and arrest reports which is great compared to this time
1392 last year, they have received slightly more consumer complaints in that same
1393 time.

1394
1395 Ms. Phelps added Performance Measure 2 (PM2) is the average number of
1396 days to initiate a complaint once received and to acknowledge receipt of the
1397 complaint to the complainant. She added that the target for this performance
1398 measure is 9 days and our year-to-date averages 4 days which means they are
1399 meeting this target.

1400
1401 Ms. Phelps stated Performance Measure 3 (PM3) is the average number of days
1402 to complete investigations and enforcement actions for complaints that are not

transmitted to the AG's office for discipline. She added that case gaining averages went down in comparison to the same time period from last fiscal year, and that the numbers fluctuate greatly because they reflect an average of all cases and encompasses the entire investigative process. Ms. Phelps stated that the target for PM3 is 180 days, and their year-to-date average is 169 days, which means they are meeting this target.

Ms. Phelps reported Performance Measure 4 (PM4) is the average number of days to complete investigations and enforcement actions for complaints that are transmitted to the Attorney General's Office for formal discipline. Ms. Phelps added case gaining averages for this performance measure have increased compared to this time last year, this can be partly due to cases being completed in this quarter that had experienced pandemic related delays. Ms. Phelps added 7 out of the 11 cases that were closed last quarter had aged over three years which means all of those cases were opened pre-pandemic.

Ms. Phelps reported that the discipline summary was included, and it reports all of the disciplinary actions taken by the Board on Q2, 1 licensee was issued a public letter of reprimand and 9 licenses were placed on probation.

Dr. Rabena-Amen asked how PTBC staff finds the utilization of BreEZe on voting. Mr. Kaiser responded guidance from DCA and OIS was to move voting to BreEZe since it is more secure and will not return to the e-mail platform due to the security of those documents.

23. Probation Monitoring Services Update – Carole Phelps

(A) Program Updates

(B) Statistical Reports

Ms. Phelps reported that at the end of Q2 there were 82 licensees on probation and of that total, 70 probationers were actively practicing in California, the remaining 12 were tolling, meaning they were not receiving credit towards the completion of probation because they were either practicing PT or practicing in another state.

Ms. Phelps added there were 8 licensees placed on probation in the quarter and 0 licensees completed probation. Ms. Phelps stated of the 70 licensees that were actively practicing at the end of the quarter, 8 were enrolled and

participating in the Board's drug and alcohol recover monitory program which is about 11% of all licenses actively on probation, there were a high of 12 participants in the program during quearter,4 licensees enrolled in the program and 2 licensees completed the program. Ms. Phelps added of the 4 licensees that entered the program 1 was deemed be clinically inappropriate after the clinical diagnostic evaluation and was released from the program. Ms. Phelps added that no licensees were terminated or withdrew from the program for any reason during this quarter.

Lastly, Ms. Phelps added the probation monitoring unit remains busy as usual with the 1 probation monitor along with moderating the 82 licensees on probation, she added that Mr. Martin has also been working on several petitions for early termination.

24. Public Comment on Items Not on the Agenda

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

**25. Agenda for Future Meeting- June 21-23, 2023
Sacramento, CA**

There were no items to add to the agenda at a future meeting.

26. Adjournment

The meeting adjourned at 11:55 a.m. on March 22, 2023.