



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - ARNOLD SCHWARZENEGGER, GOVERNOR

Physical Therapy Board of California

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PHYSICAL THERAPY BOARD OF CALIFORNIA APPROVED TELECONFERENCE MINUTES

Monday, October 11, 2010 1:00 p.m.

Teleconference Locations

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

160 Winesap Drive
Brentwood, CA 94513

New Horizon Physical Therapy
5475 N. Fresno Street, Suite 110
Fresno, CA 93710

Southcoast Rehabilitation
1800 Westwind Drive, Suite 107
Bakersfield, CA 93301

11740 Henley Lane
Los Angeles, CA 90077

For the sake of clarity, the meeting minutes are organized in numeric order to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

1. Call to Order and Roll Call

The Physical Therapy Board of California (Board) meeting was called to order at 1:05 p.m. by Dr. Debra Alviso, Physical Therapist. Mr. Steven K. Hartzell, Executive Officer notified the Board that Dr. Sara Takii, Physical Therapist would be calling in a few minutes late. Roll was taken and the following members were present: Dr. Alviso, Physical Therapist, Ms. Marty Jewell, PT, PhD, Mr. James Turner, and Ms. Karen Pines, LMFT. Dr. Takii, Physical Therapist called in at 1:10 p.m. A quorum was established.

Prior to discussion of agenda item #2, Mr. Hartzell introduced Mr. Spencer Walker as incoming legal counsel for the Board in the upcoming absence of Ms. Claire Yazigi.

2. Actions by the Federation of State Boards of Physical Therapy (FSBPT) to Suspend Testing for National Physical Therapy Exam (NPTE) Candidates from Specific Countries

Mr. Hartzell explained there was an exchange of letters between the Board and the FSBPT regarding the FSBPT suspending testing for graduates from the following four countries: Philippines, Egypt, Pakistan, and India. Dr. Alviso, Physical Therapist asked if the FSBPT's response to the Board's letter would affect the position of the Board regarding the testing suspension. Ms. Yazigi responded the FSBPT's letter does not affect the legal analysis in the Board's letter because the FSBPT has not provided evidence in contrary to the Board's position that the actions taken in response to the security breach of the NPTE are discriminatory. Mr. Walker added the FSBPT represents state boards; therefore, they should take action on behalf of the boards, which has not occurred.

Mr. Hartzell invited Ms. Susan Layton, FSBPT Vice President to comment on the discussion. Ms. Layton declined stating she had no comment.

Ms. Yazigi added in situations where you have overwhelming statistics, no further evidence is needed in attempts to discriminate; anything less than that would require additional evidence. In addition, Ms. Yazigi presented another concern that physical therapist and physical therapist assistant applicants are mandated by the Board through regulation to use the FSBPT. However, the FSBPT did not act on the Board's behalf in suspending testing and such action does not comply with the California Constitution which prohibits discrimination against national origin.

The Board discussed the testing situation further at which time Ms. Yazigi presented questions to the Board including, but not limited to:

1. In what manner was the NPTE audited?
2. How many students were audited?
3. What was the nature of cheating at each school?

The questions are being drafted to assist the Board with the investigation of the testing suspension situation. The Board agreed the questions Ms. Yazigi presented were in keeping with their expectations and asked she provide the finalized questions at the November Board meeting.

Ms. Sonja Merold, OPES Chief and Mr. Bob Holmgren, OPES Supervising Personnel Selection Consultant attended the teleconference. Ms. Merold shared concern there are unanswered questions that are crucial to address if OPES is to complete a comprehensive analysis of the FSBPT testing situation including, but not limited to:

1. Who has access to the password protected website?
2. How was the password to the website acquired?
3. What items are on the password protected website?
4. How and where was the security breach found?

Both Ms. Merold and Mr. Holmgren explained OPES does not have enough evidence to know the scope of the issue, which is really the first step; OPES needs to know what all aspects of the issue before they begin their analysis.

3. Discussion of Proposed Motions to be Presented at the Federation of State Boards of Physical Therapy 2010 Delegate Assembly

The following concepts for motions to present at the FSBPT 2010 Delegate Assembly were presented to the Board:

Concept 1

The FSBPT shall make available to each member licensing authority all information relied upon by the FSBPT in reaching its decision to suspend testing of physical therapy candidates who successfully completed a physical therapy educational program in Egypt, India, Pakistan and the Philippines.

MOTION: To move forward with concept 1 with the addition of a timeframe in which the information must be provided.

MOVED: Dr. Alviso, Physical Therapist

SECOND: Ms. Pines, LMFT

VOTE: 5-0 Motion carried

Concept 2

The FSBPT shall immediately resume testing of physical therapy candidates who successfully completed a physical therapy educational program in Egypt, India, Pakistan and the Philippines.

Dr. Alviso, Physical Therapist recommended delegating authority to Ms. Jewell, PT, Ph.D. who is the FSBPT delegate for the Board. Dr. Takii, Physical Therapist agreed with the recommendation provided by Dr. Alviso, Physical Therapist. The Board determined it is necessary for the FSBPT to take a position of whether the NPTE was compromised or not; however, if the NPTE was compromised, immediately resuming testing may not be the appropriate course of action. After further in-depth discussion, the Board determined not to move forward with concept 2.

Concept 3

The FSBPT shall take no action affecting candidates for the NPTE that could reasonably be perceived to be discriminatory on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability without first soliciting recommendations from member licensing authorities.

Concept 3 was revised as follows:

The FSBPT shall take no action affecting candidates for the NPTE that ~~could reasonably be perceived to be~~ is discriminatory on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability without first soliciting recommendations from member licensing authorities.

The Board determined perception should not be included in concept 3 and there is no need to solicit recommendations from member licensing authorities; the FSBPT shall not discriminate for any reason.

MOTION: To move forward with concept 3 as revised.

MOVED: Ms. Jewell, PT, Ph.D.

SECOND: Ms. Pines, LMFT

ABSENT: Dr. Alviso, Physical Therapist

VOTE: 4-0 Motion carried

Concept 4

The FSBPT shall increase the question pool for the NPTEs to provide for the following minimum number of forms of the PT and PTA examinations to be available for use at any one time by each of the following dates:

A. 10 forms by January 1, 2012

B. 15 forms by January 1, 2013

C. 20 forms by January 2, 2014

Mr. Hartzell explained that if the FSBPT continues to have computer based testing, they must increase the number of test forms to maintain the integrity of the NPTE. The intention is the more exam forms and questions there are, the more difficult it becomes to memorize and share exam questions. Originally, a minimum of three versions of the NPTE were required for the FBSPT to administer the exam via computer; currently, three versions is not adequate to ensure exam security.

MOTION: To move forward with concept 4 as written to facilitate discussion with the FSBPT regarding the future of testing.

MOVED: Ms. Jewell, PT, Ph.D.

SECOND: Ms. Pines, LMFT

ABSENT: Dr. Alviso, Physical Therapist

VOTE: 4-0 Motion carried

Concept 5

The FSBPT shall perform research and report to the membership at each annual meeting beginning in 2011 on alternative testing methodologies and effectiveness and practicality of methodologies currently used for regulation of professions. The subjects should include computer adaptive testing, publishing of all test questions, and follow-up testing of individuals six months after passing the test to determine if the knowledge gained is retained. This list is not meant to be limiting, but as a starting place.

Mr. Hartzell explained concept 5 may not be decided upon and implemented immediately, but with modern communication, discussion of alternative testing methods should begin now. Ms. Pines, LMFT and Ms. Jewell, PT, Ph.D. discussed placing a limit on the number of exam opportunities a candidate is allotted. Mr. Hartzell responded that issue needs further research, so the Board may elect to add it to proposed legislation for 2012.

MOTION: To move forward with concept 5 as written to facilitate discussion with the FSBPT regarding the future of testing.

MOVED: Ms. Jewell, PT, Ph.D.

SECOND: Ms. Pines, LMFT

ABSENT: Dr. Alviso, Physical Therapist

VOTE: 4-0 Motion carried

Concept 6

The FSBPT Board of Directors shall create minutes of board meetings that include a roll call of those in attendance and a summary of discussion of each agenda item, or indicate that the agenda item was discussed. Actions on motions shall include the numbers of directors who voted yes, no, or abstained.

The Board discussed the current practice of the FSBPT Board of Directors is to publish minutes that consist of the agenda, a list of attendees and only motions. The minutes do not indicate the any discussion which may have taken place prior to the motion. The minutes do not provide sufficient information to member jurisdictions of what occurred at the meeting.

MOVED: Dr. Takii, Physical Therapist

SECOND: Mr. Turner

ABSENT: Dr. Alviso, Physical Therapist

VOTE: 4-0 Motion carried

The following position motions were made by the Board on FSBPT motions to be presented at the FSBPT 2010 Delegate Assembly:

FSBPT Motion DEL-10-01

Adopt the Areas of Focus with one addition: add the word "security" between "defensibility" and "and validity in the Examination Area of Motion so that they read:

1. Examinations: Ensure the ongoing excellence, reliability, defensibility, **security** and validity of the NPTE and related examinations.
2. Membership: Enhance the Federation's value to its membership by developing and maintaining programs and services responsive to membership needs.
3. States' Rights, States' Responsibilities and Professional Standards: Identify and promote effective regulation in physical therapy that ensures the delivery of safe and competent physical therapy care, while respecting states' rights and responsibilities.
4. Education: Provide and promote educational programs and products for board members, administrators, the public and other stakeholders.
5. Leadership: Broaden the Federation's leadership role and recognition within regulatory, professional and related communities.
6. Organizational and Financial Stability: Ensure the long-term organizational and financial stability and viability of the Federation.

MOTION: To support DEL-10-01.

MOVED: Mr. Turner

SECOND: Dr. Alviso, Physical Therapist

VOTE: 5-0 Motion carried

FSBPT Motion DEL-10-02

Amend by substitution FSBPT Bylaws Article V, Section 1. Officers, B. Qualifications of Officers, paragraph 1 so that it reads,

- B. Qualifications of Officers
1. An Officer shall be a member of a Member Board, administrator of a Member Board, or an Associate Member.

Dr. Alviso, Physical Therapist said it is important to have the valuable experience of being a board member and to understand the impact of making decisions. The Board agreed that having the experience of participating on or immediately with a board should be a pre-requisite to hold any FSBPT Board of Directors officer position; Associate Members do not meet that pre-requisite.

MOTION: To oppose DEL-10-02.

MOVED: Dr. Alviso, Physical Therapist

SECOND: Ms. Jewell, PT Ph.D.

VOTE: 5-0 Motion carried

FSBPT Motion DEL-10-03

Amend Standing Rule 5, Delegate Assembly, by adding a new Paragraph B as listed below and renumbering the following paragraphs.

B. Election Results

When reporting election results to the Delegate Assembly, the number of votes received by each candidate will not be announced. They will be provided to the Board of Directors, candidates or individual Voting Delegates upon request. Results and original ballots will be maintained in the Federation office for one year after the Delegate Assembly conclude.

The majority of the Board concluded disclosure of the voting results is consistent with government elections and should therefore continue.

MOTION: To oppose DEL-10-03.
MOVED: Dr. Alviso, Physical Therapist
SECOND: Mr. Turner
VOTE: 3 in favor, 1 abstained, 1 opposed
Motion carried

FSBPT Motion DEL-10-04

Amend Standing Rule 7. Committees of the Federation G. Nominating Committee, subparagraph i, by striking the words "except for the position of the Director who is current administrative staff of a Member Board" from subparagraph I, so that it reads:

G. Nominating Committee

- i. Submits one or more candidates for each office or committee opening that is to be filled by election.*
- ii. Submits an Annual Report to the Delegate Assembly 45 days prior to the Annual Meeting.*
- iii. Nominations may also be made from the floor at the Annual Meeting of the Delegate Assembly.*
- iv. Coordinates the election processes at the Annual Meeting.*

MOTION: To direct delegate to advance the position of the Board for DEL-10-01, DEL-10-02, DEL-10-03 and use best judgment for DEL-10-04.
MOVED: Dr. Alviso, Physical Therapist
SECOND: Mr. Turner
VOTE: 5-0 Motion carried

4. Disciplinary Decisions

The Board convened in CLOSED SESSION to deliberate on disciplinary action pursuant to Government Code section 11126 (c) (3).

Disciplinary decisions are available on the Board's website at www.ptbc.ca.gov.

5. Public Comment

There were no addition public comments.

6. Adjournment

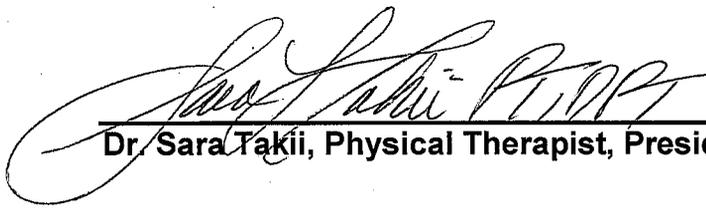
The meeting was adjourned at 4:27 p.m.

MOTION: To adopt the draft minutes from the October 11, 2010 teleconference as amended.

MOVED: Dr. Alviso, Physical Therapist

SECOND: Ms. Pines, LMFT

VOTE: 5-0 Motion carried



Dr. Sara Takii, Physical Therapist, President

12-10-10

Date