

**PHYSICAL THERAPY BOARD OF CALIFORNIA**

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**Approved****Physical Therapy Board of California
Meeting Minutes
February 2 & 3, 2004**

Shelter Pointe Hotel & Marina
1551 Shelter Drive
San Diego, California 92106
(619) 221-8000

Monday, February 2, 2004 9:00 A.M.

Agenda Item(s) 12 will be held in CLOSED SESSION in accordance with the cited sections of the Government Code. All other agenda items will be held in Open Session. THE PUBLIC IS ENCOURAGED TO ATTEND.

1. Call To Order and Roll Call

President Donald Chu called the meeting of the Physical Therapy Board of California to order at 9:04 a.m. Roll call was taken. During roll call all the members introduced themselves.

Donald Chu, PhD, PT
James Turner
Ellen Wilson, PT
Mel Wilson
Julie Brandt
Lorraine Kimura, PT
Randi Woodrow, PT

All members were present.

2. Strategic Planning

(A) Review of Amended Matrix Chart for Strategic Plan

Steve Hartzell reported on the amended Matrix Chart for the Strategic Plan included in the agenda book.

(B) Pre-Strategic Planning Session Discussion

Travis McCann, Chief of Training and Development at Department of Consumer Affairs (DCA), introduced himself to the Board and explained the Strategic Planning process and reviewed what will be discussed at the Strategic Planning Session in March.

3. Approval of Minutes

(A) November 6 & 7, 2003

PUBLIC NOTICE – BOARD MEETING AGENDA
February 2 & 3, 2004

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47 Moved by Ellen Wilson, Seconded by Mel Wilson to approve the November 6 & 7, 2003 Board meeting
48 minutes. Vote: 7-0. Motion Carried.

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50 **4. President's Report – Donald Chu, PhD, PT**

- 51 (A) 2004 Meeting Dates
52 (B) Update

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54 President Chu directed everyone to the 2004 meeting dates included in the agenda book and requested that
55 the August 5 and 6, 2004 Board meeting be changed to August 2 and 3, 2004.

56
57 Mr. Hartzell reported the May Board meeting has been rescheduled to May 10 and 11, 2004 at the Burbank
58 Airport Hilton due to scheduling conflicts.

- 59
60 (C) Appointments to Committees

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62 President Chu appointed the following members to the Licensing Committee:

- 63
64 Ellen Wilson, PT, Licensing Committee Chair
65 James Turner
66 Randi Woodrow, PT

67
68 President Chu appointed the following members to the Practice Issues Committee:

- 69
70 Lorraine Kimura, PT, Practice Issues Chair
71 Julie Brandt
72 Mel Wilson

73
74 President Chu will be participating on both committees and he appointed himself as the Board's
75 Enforcement Liaison. For this meeting only the full Board will participate in the Licensing and Practice
76 Issues Committee.

- 77
78 (D) Appointments to Physical Therapy Practice Act Task Force

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80 President Chu reported the role of this task force would be to review the current Physical Therapy Practice
81 Act relevance to current regulatory requirements.

82
83 Mr. Hartzell suggested delaying this item until after the Strategic Planning Session to allow the new board
84 members to participate in developing the Board's priorities.

85
86 President Chu reported the appointments to this task force would be delayed until the May Board meeting.

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88 **5. Ethics Training**

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90
91 Mr. Hartzell summarized the Ethics Training requirement by DCA and explained the most crucial aspects
92 of DCA's policies, especially if members have any economic interests to the Board.

93

PUBLIC NOTICE – BOARD MEETING AGENDA

February 2 & 3, 2004

94 Robert Miller, Legal Counsel, explained DCA’s economic interest policy as a board member and offered
95 his counsel if the members have concerns in the future.

96

97 **6. Disciplinary Guidelines Task Force – James Turner**

98 (A) Discussion and Action on Task Force Recommendations

99

100 James Turner reported on the recent Disciplinary Guidelines Task Force meeting and emphasized the
101 importance of the Board’s role is in protecting the public. He expressed his appreciation to all the task
102 force members for their participation and all their hard work in developing these guidelines. Mr. Turner
103 then explained each of the categories in the Disciplinary Guidelines.

104

105 The Board reviewed the draft included in the agenda book and directed staff to solicit comments via the
106 boards website and agenda mailing list. Any comments received would then be review by the Disciplinary
107 Guidelines Task Force at their next meeting and the Board will review the final draft in May.

108

109 **7. Reassessment of Regulatory Impact on Regulations in Process – Rebecca Marco**

110

111 **8. Reassessment of Regulations Adopted Since January 1, 1999 in Accordance with Executive
112 Order – Rebecca Marco**

113

114 Ms. Marco reported agenda items 7, 8, and 9 are all in response to the Governor’s Executive Order.

115

116 Mr. Hartzell responded to Ms. Wilson’s question on the status of all the regulations the Board has currently
117 been developing. He explained that the regulation on the use of Prefix, Affix, and Suffix will not be
118 moving forward until a new DCA Director has been appointed.

119

120 Ms. Marco reported the regulation on the Issuance of Initial Probationary License would be moving
121 forward in the regulatory process.

122

123 **9. Approval of Rulemaking Files for May 2004 Physical Therapy Board Meeting – Rebecca Marco**

124

125 Ms. Marco reported on the rulemaking calendar included in the agenda book and explained that these
126 regulations are not affected by the Governor’s Executive Orders. She requested the Board’s approval to
127 move forward with the rulemaking process for these regulations.

128

129 Moved by James Turner, Seconded by Lorraine Kimura to approve the revised Rulemaking Calendar and
130 to direct staff to schedule hearings during the year taking into account staff time necessary for preparation
131 of the rulemaking files and the amount of meeting time which will be required to conduct the regulatory
132 hearings. Vote: 7-0. Motion Carried.

133

134 **10. Disciplinary Action Report – Donald Chu, PhD,**

135

136 President Chu reported on the Disciplinary Action Report included in the agenda book and explained to the
137 new members the outline of this report.

138

139 **11. Secretary of State Requests for Attorney General’s Opinion on Limited Liability Companies –
140 Steve Hartzell**

141

PUBLIC NOTICE – BOARD MEETING AGENDA
February 2 & 3, 2004

142 Mr. Hartzell directed members to the letter received by the Secretary of State Requests for Attorney
143 General’s Opinion on Limited Liability Companies included in the agenda book.
144

145 Mr. Miller explained the reasoning behind this request from the Secretary of State. Mr. Miller suggested
146 responding to their request in a letter by stating, “physical therapy is a profession and should not be
147 practiced under a Limited Liability Company”.
148

149 President Chu directed staff to formulate a letter responding as Mr. Miller has suggested.
150

151 **12. Deliberation and Discussion on Stipulated Settlements, Proposed Default Decisions, Proposed**
152 **Decisions, Non-Adoption of Proposed Decision, Petitions for Reconsideration – CLOSED**
153 **SESSION (per Title 2, Division 3, Part 1, Section 11126(c)(3) of the Government Code)**

- 154 (A) Jennifer Sterns, PTA
- 155 (B) Leslie Benson, PT
- 156 (C) Barbara Stacy, PT
- 157 (D) Teresa Van Ryken, PT
- 158 (E) Theresa Walsh, PTA
- 159 (F) Floyd Jones, PTA

160
161 The Board’s decision orders on matters discussed in closed session are available upon request.
162

163 **13. 1:30 P.M. Licensing and Practice Issues Committee Meetings**
164

165 The entire Board reviewed the items included in the agenda book for both Licensing and Practice Issues.
166 Please see the bullets for each committee under the committee section in the agenda book.
167

168 *Tuesday, February 3, 2004 8:30 A.M.*
169

170 **14. Call to Order and Roll Call**
171

172 President Chu called the meeting of the Physical Therapy Board of California to order at 8:40 a.m. Roll call
173 was taken.
174

- 175 Donald Chu, PhD, PT
- 176 James Turner
- 177 Ellen Wilson, PT
- 178 Mel Wilson
- 179 Julie Brandt
- 180 Lorraine Kimura, PT
- 181 Randi Woodrow, PT

182
183 All members were present except Mel Wilson. Mel Wilson arrived at 8:45 a.m.
184

185 **15. Executive Officer’s Report – Steven K. Hartzell**

- 186 (A) Update

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188 Mr. Hartzell introduced the Board’s new staff member, Dennis Patzer, who has been hired as the probation
189 monitor. Mr. Patzer gave a brief review of his credentials and past employment. He emphasized his goal is
190 to create a good relationship with the Division of Investigation (DOI) since we are in the process of

PUBLIC NOTICE – BOARD MEETING AGENDA
February 2 & 3, 2004

191 transiting our cases from DOI and that he will be using DOI's facilities to meet with the Board's
192 probationers. Mr. Patzer explained his role as the probation monitor and reported on the Board's total
193 amount of probationers.

194
195 (B) 2003-2004 – Budget

196
197 Mr. Hartzell reported on the budget included in the agenda book.

198
199 (C) 2004 – 2005 Budget

200
201 Mr. Hartzell reported on the Governor's budget included in the agenda book.

202
203 (D) Out-of-State Travel

204
205 Mr. Hartzell explained to the new board members the process of how the Board has to request approval to
206 travel out-of-state and the type of meetings the Board may be able to attend.

207
208 (E) Executive Orders

209
210 Mr. Hartzell did not reported on this item since this had already been discussed under agenda item 7.

211
212 **16. Approval of Final Draft Newsletter – Steven K. Hartzell**

213
214 Mr. Hartzell reported on the newsletter that was handed out.

215
216 Debi Mitchell reported the meeting dates on the newsletter would reflect the revised meeting dates.

217
218 The following changes were made: replace the back picture with the picture on page 3, place the state seal
219 on the front of the newsletter and move Physical Therapy Board of California above Progress Notes, on
220 first page in column 1 make member "members", place PT after Ellen Wilson's name in the first article,
221 page 2 correct Ms. Kimura with Ms. Woodrow under her article, change the questions in the first article as
222 directed, respond to the practice issues question on page 4, change the title to the article addressing the aide
223 supervision, and make all clerical changes that were identified.

224
225 The Board approved the newsletter with changes and directed staff to proceed with the printing process.

226
227 **17. Consumer and Professional Associations and Intergovernmental Relations – Steve Hartzell**

- 228 (A) California Physical Therapy Association
229 (B) Federation of State Boards of Physical Therapy
230 (C) California Consumer Affairs Association
231 (D) Department of Consumer Affairs
232 (E) Citizen Advocacy Center
233 (F) California Board of Occupational Therapy
234 (G) Board of Chiropractic Examiners

235
236 Mr. Hartzell reported that currently there has not been much development with these agencies since the last
237 Board meeting. The Board of Chiropractic Examiners has not responded to the regulation that we
238 challenged. Currently DCA does not have a Director and Ron Joseph, Medical Board of California
239 Executive Director, has been appointed as the Interim Director for DCA.

PUBLIC NOTICE – BOARD MEETING AGENDA

February 2 & 3, 2004

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18. 9:30 A.M. Public Forum on Proposed Amendment to Section 1399 of the California Code of Regulations - Physical Therapy Aide Supervision – Donald Chu, PhD, PT

The following individuals presented public comments to the Board. There were no written comments presented to the Board.

Jim Dagostino, PT - spoke on behalf of the CPTA, APTA, PTPN, and himself. He is in support of the use of aides performing patient related tasks. In representing the CPTA he indicated the APTA is not in support of aides performing patient related tasks.

Michele Watson, PT is in support of the use of aides performing patient related tasks but would like to define the type of tasks the aide can perform.

Katie Rath, Physical Therapy Aide is in support of aides performing patient related tasks. Working as an aide has allowed her the experience to decide if she wanted to pursue becoming a physical therapist, especially since the education expense is over \$50,000.

Marijean Piorkowski, PT, is in support of aides performing patient related tasks but would also like to clarify the type of tasks aides could perform.

Mr. Miller reminded the Board that it is their responsibility to protect the public but also that when adopting regulations they need to take into consideration the business impact and the economic impact to the State of California as has been addressed in the Governor’s Executive Order.

Mr. Hartzell informed the Board that in order to eliminate the aide from performing patient related tasks this would take a statutory revision. This can be addressed in the Sunset report for next year.

After the Board heard all public comments, President Chu directed staff to place this on the May agenda for another public forum.

President Chu agreed with Mr. Hartzell to postpone the initial task force meeting for the Physical Therapy Aide Supervision until after the May meeting.

Mr. Hartzell requested if any individuals that would like to submit written comments to e-mail them to the Board.

Ms. Wilson suggested changing the article in the newsletter that addresses aide supervision to “What should the Role of the Physical Therapy Aide Be?” This will also be corrected on the newsletter.

19. Review of Proposed Physical Therapist Assistant Supervision Regulation 1398.44 – Ellen Wilson, PT

Ms. Wilson reported on the history of the Physical Therapist Assistant Supervision Task Force. She provided a handout on proposed language she has developed and the language Ms. Marco developed for the physical therapist assistant supervision for the Board to review. She is hoping that between the two different languages being provided that the Board can agree on new language.

PUBLIC NOTICE – BOARD MEETING AGENDA

February 2 & 3, 2004

288 After receiving comments on the proposed language from Jim Dagostino, PT, CPTA, Michele Watson, PT.
289 Staff, and Board Members the Board decided to take into consideration all the comments received today
290 and to solicit public input through the newsletter. There are three key factors the Board would like
291 addressed in the newsletter, 1) transfer of care, 2) evidence that regular communication occurred, and 3)
292 identification of supervising physical therapist and to add the question “What are the essential elements that
293 every physical therapist should be required to document in the patient record?”

294

295 **20. Review of Proposed Patient Records Regulations 1399.85 – Ellen Wilson, PT**

296

297 Ms. Wilson reported on the history of developing this regulation and handed out her proposed language on
298 patient records for the Board to review.

299

300 After listening to comments on the proposed language from Jim Dagostino, PT, Marijean Piorkowski, PT,
301 Staff, and Board Members the Board decided to solicit public comments through the newsletter for the
302 Board to review at the August meeting.

303

304 **21. Licensing Committee – Donald Chu, PhD., PT, Ellen Wilson, PT, James Turner**

305

(A) Report on Committee Actions

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(B) Discussion and/or Action on Committee Recommendations

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308 The meeting bullets for the Licensing Committee meeting are at the end of the meeting minutes.

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310 **22. Practice Issues Committee**

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(A) Report on Committee Actions

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(B) Discussion and/or Action on Committee Recommendations

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314 The meeting bullets for the Practice Issues Committee meeting are at the end of the meeting minutes.

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316 **23. Legislation**

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(A) SB 77 (Burton) Physical Therapy

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319 Mr. Hartzell reported this bill has expired.

320

321 Mr. Dagostino reported the CPTA pulled this bill because the votes were not there for the CPTA to
322 continue forward. The CPTA is currently reviewing their options at this time.

323

324 (B) AB 1388 (Kehoe) Massage Therapy and Bodywork Licensure

325

326 Mr. Hartzell reported this bill has expired.

327

328 Mr. Dagostino reported the CPTA’s position is in opposition to this bill.

329

330 (C) Chapter 789 Statutes of 2003, SB 364 (Figueroa) Licensing Boards

331

332 (D) New Introduced Legislation in January 2004

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334 Mr. Hartzell reported there are currently no new legislative bills that have been identified that would impact
335 physical therapy at this time and asked for direction from the Board on how to proceed if any new
336 legislation is introduced prior to the next board meeting.

PUBLIC NOTICE – BOARD MEETING AGENDA
February 2 & 3, 2004

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Moved by Ellen Wilson, Seconded by Lorraine Kimura to direct the Board President to make recommendations to the Executive Officer on the Board’s position if any new legislative bills are introduced prior to the next meeting. Vote: 7-0. Motion Carried.

24. Items for Next Meeting Agenda and Public Address

(A) PTBC Meeting –May 2004

Ms. Wilson requested a copy of the Power Point presentation tapes from the FSBPT from Mr. Hartzell.

25. Adjournment

The meeting of the Physical Therapy Board of California adjourned at 11:43 a.m. (A copy of the Sign-In Sheet is available upon request.)

Moved by James Turner, Seconded by Lorraine Kimura to accept the February 2 and 3, 2004 minutes. Motion carried. Vote: 4-0.

Donald Chu, PhD, PT – Board President

Date

PUBLIC NOTICE – BOARD MEETING AGENDA
February 2 & 3, 2004

**Physical Therapy Board of California
Licensing Committee Meeting
February 2, 2004
San Diego, CA**

- Hakob Aghazarayan is required to do a 6 month period of clinical service as his work experience as a PTA will not fulfill the entire clinical service requirement.
- Niti Makol=s credentials were approved.
- Christina Spangberg must satisfy all General Education requirements and satisfy deficiencies in Kinesiology and Pediatrics.
- Gilanjli Singh does not qualify for PT licensure as his education is equivalent to an Associate Degree in physical therapy.
- Alpa Perekh may take a CLEP exam in Inorganic Chemistry in order to satisfy deficiency in Physical Sciences.
- Barbara Kuri must meet the minimum number of General Education units (42) in order to sit for the NPTE.
- Revital Duer=s credentials were approved.
- Marinder Kohli must take CE courses in Pediatrics, Geriatrics, and Neurology in order to qualify for licensure as a PT. Each CE course must include a minimum of 27 contact hours.
- Zealeste Fuentesfina will need to do either a 9 month period of clinical service, or a 6 month period of clinical service and an Ethics course.
- The Board will accept the 2002 credential report from Lavanya Kanumuri and will not be required to submit a new credential report. She had previously qualified on a prior application to sit for the exams.
- Licensing Committee reviewed comments submitted by credential evaluation services regarding ELEERs. Other comments, if any, will be brought to the next meeting. Staff will respond to Josef Silny & Associates regarding the Board=s concerns that their agency may not be meeting the Board=s expectations when preparing credential evaluation reports.
- In regards to the ELEERs, the following was determined by the Licensing Committee: (1) credential evaluation services will not be required to report the grades; (2) ELEERs shall be changed to show that either an Organic Chemistry with laboratory **or** Inorganic Chemistry with laboratory is required (not both), and that either General Physics with laboratory is required **or** Applied Physics with laboratory is required, (not both); and (5) the word Acontent@ is to be

PUBLIC NOTICE – BOARD MEETING AGENDA

February 2 & 3, 2004

deleted from Chemistry and Physics requirement. be required to have And with regard to the Chemistry and Physics requirement

- Clarification regarding the use of the new FCCPT Tool (January 2004 edition) included the following: (1) Only 3 courses (instead of 9) are required in Related Professional Course Work; (2) all content are in Medical Sciences is required except Pharmacology; (3) in the ATranscript Reference@ column, the formal credit should be applied (name of class) and in the AJustification@ column, the informal credit can be applied (name of class where specific course content appeared); and (4) in the Examination & Evaluation Content Area Summary and the Intervention Content Area Summary, 7 out of the 10 items must be met.
- Regulatory language was approved for Sections 1398.5 and 1398.38.

Reviewed and approved by:

PRACTICE ISSUES MEETING BULLETS

February 2, 2004
San Diego, CA

1. Practice Issues Inquiries –

A. Review X-Rays and Measure Cobb Angles – *Susan Martin, PT*

The Committee discussed this issue and directed staff to seek more information on what type of research is being done and who is doing the research?

B. Order of X-Rays – *Robyn Todd*

The Committee directed staff to respond that the Physical Therapy Practice Act precludes a physical therapist from actually taking x-rays or utilizing x-rays to make a diagnosis. A physical therapist can only take x-rays if they are also certified as a radiologist technician through the Department of Health Services. The physical therapist is required to obtain a diagnosis from another professional that is licensed to diagnose in order to treat physical therapy. The Committee directed staff to send the Direct Access letter which explains a physical therapist needing a diagnosis to treat. However, the Physical Therapy Practice Act does not preclude a physical therapist from ordering an x-ray.