



PHYSICAL THERAPY BOARD OF CALIFORNIA

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204
TELEPHONE (916) 561-8200 FAX (916) 263-2560



APPROVED BOARD MEETING MINUTES November 9, 2006

The Washington Inn
495 Tenth Street
Oakland CA 94607
(510) 452-1776

Thursday, November 9, 2006 9:00 A.M. - Board Meeting

Thursday November 9, 2006 9:00 A.M.

1. Call To Order and Roll Call

Donald Chu's service to the Board was noted by Nancy Krueger. Dr. Chu had been serving his grace period since June 1, 2006, until Marty Jewell was appointed the position. Ms. Krueger, Vice-President, will serve as Board President until the election of a new Board President.

President Krueger called the meeting of the Physical Therapy Board of California to order at 9:02 a.m. Roll call was taken.

Nancy Krueger, PT – President
Adele Levine
Debra Alviso, PT
Sara Takii, PT
Marty Jewell, PT, PhD.
Phillip Chen

All members were present with the exception of Marty Jewell and Phillip Chen.

2. Introduction of New Board Members – Nancy Krueger, PT – President

President Krueger directed the members to the brief synopsis for each member included in the agenda book. However, since the Board has all new members she asked that each member introduce themselves.

3. Recognition of Service as Board Members: Donald Chu, PhD, PT and Lorraine Kimura, PT – Nancy Krueger, PT – President

President Krueger recognized Lorrain Kimura's dedicated service as a Board member. Ms. Kimura chaired the Practice Issues Committee and the Physical Therapy Practice Act Task Force.

President Krueger recognized Donald Chu's ten year term as a Board member by presenting him with an appreciation plaque in recognition for his service.

4. Introduction of the PTBC's new Legal Counsel, Kurt Heppler – Anita Scuri

Anita Scuri, Senior Supervising Legal Counsel, expressed her pleasure of representing the Board as the interim legal counsel for the past two and a half years. Ms. Scuri then introduced Kurt Heppler the

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Board's new permanent legal counsel. Ms. Scuri explained she will assist in the transition with Mr. Heppler as the Board's legal counsel through the next Board meeting.

5. Presentation by the FSBPT on the Practice Review Continuing Competency Tool – *Christine Larson, PT and John Shelbert.*

Christine Larson introduced herself as the Director of Professional Standards with the FSBPT and introduced Chuck Mercci who is the Vice President as well as Vice President of the Board of Directors at the FSBPT.

Mr. Mercci explained that the history and mission of the FSBPT is to serve as a resource to the State Boards and to ensure the protection of consumers in physical therapy services.

Mr. Mercci briefly explained how the FSBPT continually assures the validity of the National Physical Therapy Examination along with all the services and programs the FSBPT provides to the State Boards. He then reported on the FSBPT's project in developing continuing competency examinations.

Ms. Larson further explained the FSBPT is going through the process of developing the continuing competency examinations and that the FSBPT is inviting the Physical Therapy Board of California (PTBC) to join the Ohio and Texas State Boards in becoming part of the Steering Committee Pilot Program for this examination project. If the Board accepts being a part of the Steering Committee Pilot program, the FSBPT would need permission to solicit 200 physical therapists licensed in California to participate in the item writing workshops. Ms. Larson reported there would not be a cost to the State Boards in agreeing to become part of the Steering Committee Pilot program.

Mr. Hartzell reported the Board would need to schedule a teleconference meeting in order to vote on whether the Board would agree to become part of the FSBPT's pilot program since this action was not included on this meeting agenda.

Ms. Scuri also made it clear that if the PTBC agrees to become part of the Steering Committee Pilot Program it will be with the understanding that the PTBC is not committing to use of the FSBPT's continuing competency examination once developed.

Sheryl Einfelt, PT, Director of the physical therapist assistant program at Ohlone College, inquired if the FSBPT is developing a continuing competency examination for the physical therapist assistant as well. The FSBPT replied there are no plans at this time to develop the examination for physical therapist assistants. However, if the examination is successful for physical therapists that there could be a parallel examination developed for the physical therapist assistant in the future.

President Krueger scheduled a teleconference meeting on December 12, 2006 at 3:00 pm to discuss and vote on PTBC's participation in the FSBPT's Steering Committee Pilot Program. The FSBPT will email a copy of the PowerPoint presentation to Mr. Hartzell to forward to each member in order to assist them in making their decision prior to the December 12 meeting.

Mr. Hartzell will send each member the FSBPT's Intranet site address, along with sign on instructions and passwords to visit the FSBPT's Intranet site.

6. Orientation for New Board Members

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Ms. Scuri advised that each member is required by law to attend a Board Member's Orientation training class which will explain their role as a Board member. She further explained State agencies are required to abide by the Open Meetings Act. She described the types of meetings that would fall under the Open Meetings Act (i.e. a member sending a group email to all members). Ms. Scuri also described closed session meetings (i.e. discuss executive officer's evaluation, hire or terminate an executive officer, examination matters, pending litigation and disciplinary matters). Ms. Scuri noted that Board members cannot vote by secret ballot in closed session or give a proxy vote.

Mr. Heppler impressed the importance of protecting the deliberation process when discussing disciplinary actions during closed session. All matters discussed in closed session are confidential.

Ms. Scuri handed out a chart of the disciplinary process and provided a brief explanation of the process and the Board members' role evaluating disciplinary cases.

Mr. Heppler also explained the members' role in the rulemaking process and their role when developing policies that will affect the laws and regulations of physical therapy. Ms. Scuri discussed underground regulations and that an underground regulation is illegal. If something is identified as becoming an underground regulation then the Board would be required to make that item into a regulation or modify an existing regulation. Legal counsel's role is to provide guidance and advice to the Board

Ms. Levine asked if members are notified of results after all disciplinary votes are in. Mr. Hartzell stated that staff will send written notification to each member of the outcome of their vote which will notify them if the case was adopted or not.

7. Approval of Minutes

President Krueger explained that the August 4, 2005 and May 4, 2006 meeting minutes have not been adopted because the Board has not had a quorum until now.

(A) August 4, 2005 – Board Meeting

Moved by Debra Alviso, Seconded by Sara Takii to approve the August 4, 2005 meeting minutes based on the minutes being reviewed by the prior members that were on the Board at the time of the meeting. Vote: 4-0. Motion carried.

(B) May 4, 2006 – Board Meeting

Moved by Debra Alviso, Seconded by Sara Takii to approve the May 4, 2006 meeting minutes based on the minutes being reviewed by the prior members that were on the Board at the time of the meeting. Vote: 4-0. Motion carried.

(C) August 3, 2006 – Board Meeting

Moved by Sara Takii, Seconded by Debra Alviso to approve the August 3, 2006 meeting minutes based on the minutes being reviewed by the prior members that were on the Board at the time of the meeting. Vote: 4-0. Motion carried.

8. President's Report – Nancy Krueger, PT

(A) Update

President Krueger reported that Mr. Hartzell is in the process of working with the FSBPT to permit each Board member to take the California Law Examination (CLE) (all the physical therapy members were licensed prior to the CLE's implementation). This would provide an opportunity for the members to

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have experience with the CLE. Mr. Hartzell explained that during the disciplinary process the Board may require a licensee to take the CLE in order to fulfill some of the terms and conditions and that it may be beneficial to the members to become familiar with the examination.

(B) 2007 Meeting Dates

President Krueger directed members to the 2007 Board meeting calendar included in the agenda book. Mr. Hartzell explained that the Board currently meets a minimum of four times a year for Board meetings and once a year for the Strategic Planning Session. The Board can always add additional meetings if needed. However, the Board is required to meet once in Sacramento, Los Angeles, and the San Francisco area per statute.

Board members agreed to meet in the locations identified on the calendar with the understanding that locations will be determined based upon cost and availability of hotels.

Moved by Adele Levine, Seconded by Sara Takii to approve the 2007 Board meeting calendar as presented in the agenda book. Vote: 4-0. Motion carried.

(C) Appointment of Continuing Competency Task Force

President Krueger appointed Marty Jewell as Chair, Adele Levine, Debra Alviso, Donald Chu, and Rick Katz-, PT. She would also like to appoint a physical therapist assistant and a representative of the California Physical Therapy Association (CPTA). Donald Chu requested consideration to appoint Nicole Hong, PTA to the task force. There were no objections by members. President Krueger reported she did receive a list from Stacy DeFoe, CEO of the CPTA, for the CPTA representative and she will pick a person from that list once the CPTA's appointments have been determined. She also acknowledged that developing the continuing competency program is a huge task and additional people may be appointed in the future.

(D) Licensing and Practice Issues Committee Appointments

President Krueger appointed the following members to the Licensing Committee: Marty Jewell as Chair, Adele Levine and Debra Alviso.

President Krueger appointed the following members to the Practice Issues Committee: herself as Chair, Sara Takii, and Phillip Chen.

Mr. Hartzell reported Phillip Chen has voiced his intent to resign as a Board member. He also reported that the Speaker of the Assembly is working on a new public member appointment.

9. Executive Officer's Report - Steven K. Hartzell

President Krueger welcomed students from Ohlone College that attended the meeting.

(A) Update

Mr. Hartzell reported on the function of the Continuity of Operations/Continuity of Government (COOP/COG) plan, which is the Board's emergency plan. Staff will continue to update and develop the COOP/COG plan on an ongoing basis.

Mr. Hartzell reported on the history of the National Physical Therapy Examination (NPTE) and discussed the different vendors the Board has used in the past. The Board retains the examination scores, including candidate ID numbers dating back to the beginning of the NPTE. The FSBPT has

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requested candidate ID numbers from the Board for the past NPTE scores in order to update the FSBPT's data base to assist physical therapists and physical therapist assistants when transferring his/her scores to another state board. The Board already shares the ongoing licensing list of physical therapist and physical therapist assistants with the FSBPT. The cost associated with inputting this data into the FSBPT's data bank will be borne by the FSBPT. The Board will only need to mail NPTE binders to the FSBPT and the FSBPT will mail them back to the Board. The FSBPT is also considering storing all the physical therapist and physical therapist assistant educational information which will alleviate each State Board from requesting this information from the applicants. The members agreed that this would benefit the licensees by sharing the NPTE candidate ID numbers with the FSBPT.

Mr. Hartzell handed out an evaluation check sheet and requested members to mail them back in after the meeting. This will assist staff in developing the meetings to ensure that the meetings are structured accordingly to the member's needs.

(B) 2006 – 2007 Budget

Mr. Hartzell reported on the 2006-2007 Budget Report included in the agenda book. He discussed the Board's budget and explained the total salary savings line item. He explained the permanent and temporary staff expense along with the ongoing staffing expenditures. He also explained there is a staff member retiring at the end of the year and the costs associated to the Board when a staff person retires. The position that will become vacant after the retirement will be used to place staff, who are currently in the blanket (personnel costs for other than specifically budgeted positions), into permanent positions.

Mr. Hartzell provided a brief history of the Board's budget and explained the Board requires Department of Finance approval in order to change the Board's budget. He will invite the Board's budget analyst to the next Board meeting to provide a brief presentation on how the State budget works.

Mr. Hartzell responded to members' questions regarding Division of Investigation's (DOI) costs and the Board's budget. He explained that DOI's service to the Board has been decreasing significantly due to a large turnover of staff. Hopefully there will be a more stable DOI once DOI's new employees have been trained.

Mr. Hartzell responded to members' questions regarding the Board's budget for fingerprint cards/live scan, travel costs, facility operations, moving expenses, and the pro-rata cost the Board pays to Department of Consumer Affairs (DCA) for their services.

(C) 2007 – 2008 Budget & BCP's

Mr. Hartzell reported that there should not be any significant budget changes, but he will know more once the Governor's budget is released in January 2007. He reported staff will be writing Budget Change Proposals (BCPs) for fiscal year 2008/2009. Mr. Hartzell explained that BCPs are confidential until approved by Department of Finance.

(D) Office Relocation

Mr. Hartzell reported the Boards located at the Howe Ave complex are anticipating relocating to 2005 Evergreen Street by September 2007. He explained the Boards located at the Howe Avenue complex have all outgrown their space. DCA has negotiated with the current landlord to extend the current lease through 2007 (the current lease will expire on February 28, 2007).

10. Strategic Plan Update – *Rebecca Marco*

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(A) Strategic Plan

Ms. Marco directed members to the Strategic Plan included in the agenda book.

(B) Strategic Plan Matrix Chart

Ms. Marco explained the basis for the Strategic Plan Matrix Chart and that it was created as a tool for staff to set deadlines and deliverables to accomplish the Board's goals. Mr. Hartzell discussed that this Strategic Plan was developed by prior Board members that are no longer on the Board and that this Board will be developing a new plan in March. President Krueger requested that the date for members to meet with their respective legislator be pushed out to June 2007. President Krueger noted that Goal 3D, Deliverable 5 may need to be pushed out further as well. Mr. Hartzell responded that there may be more deliverable dates for staff to revise due to all the recently appointed Board members and with the relocation of the Board's office next year. Ms. Levine inquired on the ability to accept credit card payments. Mr. Hartzell explained DCA has developed an iLicensing team that is working on this project.

Ms. Levine expressed concerns about moving forward with this Strategic Plan due to the fact this Board has not taken ownership of the plan. Mr. Hartzell noted that the critical aspect of this plan is the rulemaking factors which will allow staff to move forward with the 2007 Rulemaking Calendar and the 2007 Legislation.

11. Adoption of Revisions to the Records Retention Schedule – *Michael McCormick*

Mr. McCormick directed members to the briefing paper included in the agenda book. He provided a brief history on the Board's experience with addressing privacy protection laws. Ms. Scuri reported the legal office has developed a policy which is now in the final stages of approval. Ms. Scuri will provide the policy once it has been finalized. The urgency to finalize the Board's records retention schedule has lessened since the Board's relocation date has been delayed to September 2007.

12. Rulemaking – *Michael McCormick*

(A) Rulemaking in Progress

Mr. McCormick explained the 2006 Rulemaking Calendar has been included in the 2007 Proposed Rulemaking Calendar because staff was unable to move forward with developing the rulemaking packages due to heavy work load.

(B) Adoption of the 2007 Proposed Rulemaking Calendar

Mr. McCormick directed members to the 2007 Proposed Rulemaking Calendar included in the agenda book. He explained the Rulemaking Calendar is created for the Office of Administrative Law and that the Rulemaking Calendar must be finalized by January 31, 2007. Mr. Hartzell explained if a regulation is not listed on the rulemaking calendar then the Board cannot discuss or take action on a regulation that is not listed. This is the Board's opportunity to identify any new regulations or proposed amendments to existing regulations for the upcoming 2007 calendar year.

Moved by Adele Levine, Seconded by Sarah Takii to accept the 2007 Rulemaking Calendar. Vote: 4-0. Motion carried.

(C) Delegation to President for Modifications

Mr. Hartzell explained that if staff identifies a need to add a regulation on the 2007 Rulemaking Calendar prior to January 31, 2007 the President would need delegation authority to approve the changes.

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Moved by Adele Levine, Seconded by Debra Alviso to delegate to the President the authority to modify, delete, or add to the 2007 Rulemaking Calendar between now and the end of January. Vote: 4-0.
Motion carried.

13. Discussion of 180 day follow up on the PTBC Audit Review performed by DCA Audits –
Steven K. Hartzell

Mr. Hartzell directed members to the Audit Report and to his response included in the agenda book. He reported this is the first audit of the Board in seventeen years. The audit was initiated during the Sunset Review. He gave a brief history of the audit process and then reported on the 180 day follow up review.

Ms. Levine suggested to the Board when developing the 2007 Strategic Plan to establish goals and objectives that are quantifiable as recommended in the audit report. The audit report indicated there were goals and objectives in prior Strategic Plans that were not quantifiable.

14. Newsletter Update – Debi Mitchell

Ms. Mitchell directed members to the Suggested Topics for the next newsletter included in the agenda book. She informed members if interested in writing an article or if they have a suggested article to email her. It was suggested that staff reinsert the disciplinary action codes in the newsletter. The focus of the next newsletter will be professional responsibility.

Rick Ritter, PT, CPTA, reported he has received a lot of positive feedback from the licensees on the Board's newsletter.

Mr. Hartzell said that staff will bring a draft copy of the newsletter for members to review to the next meeting. He also reported depending on the Board's budget the Board may only be able to publish one newsletter this year.

Nancy Krueger volunteered to write an article on supervision of physical therapist assistants and physical therapy aides.

15. Consumer and Professional Associations and Intergovernmental Relations – Steven K. Hartzell

Mr. Hartzell attended the Medical Board of California's (MBC) meeting last week and reported that he intends to work with the MBC and the California Medical Association (CMA) on developing legislation. The MBC and the CMA will be included on the agenda in the future under this agenda item to address related issues.

(A) California Physical Therapy Association (CPTA)

Mr. Hartzell reported on the CPTA's Annual Conference that was held in October in San Jose.

Stacy DeFoe introduced herself as the new Chief Staff Executive with the CPTA. She is succeeding Patty Evans who retired in June. Ms. Defoe had previously worked for the CPTA for five years. The CPTA's Annual Conference will be held at the Los Angeles Hilton on September 28 and 29, 2007. She also reported AB120 and AB2658 passed in 2006 and noted the CPTA supported SB1476.

(B) American Physical Therapy Association (APTA)

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Mr. Hartzell received a letter requesting the Board to consider including some of the APTA's offering for continuing competency. He will be responding to the APTA's request.

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

Mr. Hartzell reported Donald Chu ran for Treasure and was not elected. He reported on the last FSBPT meeting that he attended. He explained the FSBPT funds the Executive Officer, Delegate, and Alternate Delegate to attend the FSBPT meetings; however, the Board still needs to go through the approval process for out-of-state travel.

Ms. Scuri reported on some of the sessions she attended "Referral for Financial Gain" and "Regulating Physical Therapy Facilities" at the FSBPT meeting.

Mr. Hartzell reported on the history of when the APTA sued the FSBPT regarding the National Physical Therapy Examination.

(D) California Consumer Affairs Association (CCAA)

(E) Department of Consumer Affairs (DCA)

Antonette Sorrick introduced herself as the Deputy Director of Board Relations at DCA. She explained her role and provided the members with her direct business line to contact her at anytime if they have any questions or if they have a need to discuss Board related issues. She provided the date for the next Orientation Board Member training. She explained the COOP/COG plan and thanked the Board for complying with DCA's deadlines in order for DCA to meet the Governor's deadline date.

Mr. Hartzell explained that during the COOP/COG process the Board did not identify essential functions that would need to be addressed within the first few days of a catastrophic crisis. This would allow staff to assist other state agencies.

(F) Citizen Advocacy Center (CAC)

(G) California Board of Occupational Therapy (CBOT)

(H) Board of Chiropractic Examiners (BCE)

(I) Speech-Language Pathology and Audiology Board (SLPAB)

(J) Veterinary Medical Board (VMB)

Mr. Hartzell reported there is an ongoing issue with physical therapist performing physical therapy on animals. However, the physical therapist's scope of practice only identifies providing physical therapy to a person. Presently, a physical therapist may only perform physical therapy on an animal under the supervision of a veterinarian. The VMB is in the process of developing language to address a physical therapist working with a veterinarian to perform physical therapy on animals.

16. Disciplinary Action Report – Nancy Krueger, PT

President Krueger directed members to the Disciplinary Action Report included in the agenda book. President Krueger asked for the Board's definition of "incompetence". Ms. Scuri responded that "incompetence" is usually proven by expert testimony, the specific facts in the case, and incompetence is usually a demonstration of a pattern falling below the standard of care vs. one or two acts that would be considered negligence or gross negligence.

Mr. Hartzell added that the Board utilizes Board trained expert consultants. The Board recently conducted expert consultant training in September in Sacramento. Staff is establishing new dates for the expert consultant training class for 2007 in Los Angeles and in Sacramento.

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17. Consideration of Staff Recommendations to Request Delegation of Subpoena Authority –

Steven K. Hartzell

Mr. Hartzell reported that DOI is unable to provide the Board with the level of services as provided in the past (and that the Board requires). Due to DOI's inability to investigate the Board's cases, DOI has suggested that Mr. Hartzell seek subpoena authority through DCA. Subpoena authority would mostly be used to subpoena patient records. Without the use of DOI to subpoena records the Board has little authority to demand patient records which can impede a thorough investigation. The Board does have the authority to inspect patient records at the facility; however, the expert consultants are not trained as peace officers to investigate and this could place an expert consultant in harms way. Mr. Hartzell requested the Board's approval to discuss and request delegation of subpoena authority with DCA.

Ms. Scuri recommended some minor modifications to the requested motion as written in the issue paper included in the agenda book.

Moved by Sara Takii, Seconded by Debra Alviso that the Physical Therapy Board of California requests the Director of the Department of Consumer Affairs to the executive officer the authority under Government Code 11181 to issue subpoenas on behalf of the Physical Therapy Board of California.

Vote: 4-0. Motion carried.

18. 2006 Legislation

Mr. Hartzell directed members to the Briefing Paper that provides a brief description of the 2006 passed legislation. He also included the Definitions of Positions on Legislation.

A) SB1476 - Professions and Vocations

Mr. Hartzell reported SB1476 passed, which not only continues the existence of the Board but also prohibits a registered sex offender from applying for a license. The licensure application will be updated to include the question "Are you required to register as a sex offender?". This does not affect current licensees and only applies to new applicants.

B) AB2868 - Physical Therapist

Mr. Hartzell explained that AB2868 requires the Board to write new regulations defining the statute. He further explained that until the regulation is written defining the use of Dr, it is illegal for a physical therapist to use the title "Dr." unless they have a Doctorate of Physical Therapy degree (i.e a doctorate degree in education). Ms. Scuri further explained the law requires the Board to adopt by regulation the definition of doctorate degree that will be considered a related health science. Beginning January 1, 2007 if a person has a Doctorate of Physical Therapy degree he/she may use the title "Dr." in the manner described in law. However, if he/she has a doctorate degree in a related health science then the Board needs to define by regulation what that related health science is (i.e. doctorate in nursing) in order for he/she to use the title Dr.

The Board directed Mr. Hartzell to research and to identify a list of other doctorate degrees that are health science related. President Krueger directed staff to add this for public comment at the next meeting and charged each member and the CPTA to assist staff in identifying a list of related health science degrees. She also charged Mr. Hartzell to research with other licensing Boards if they have similar language.

C) AB120 - Physical Therapy Continuing Education

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Mr. Hartzell reported AB120 passed and the task force was appointed earlier in the meeting.

19. Approval of 2007 Legislation Plan

(A) Fee Increase

Mr. Hartzell directed members to the briefing paper included in the agenda book and explained the need to increase the fees and that the process requires legislative approval. He will need to work with the CPTA in securing an author of the bill.

Moved by Adele Levine, Seconded by Sara Takii to direct staff to identify the level of fees charged by the PTBC for providing services to applicants and licensees that will be necessary to support the ongoing programs and strategic objectives necessary to accomplish the PTBC's mission. Staff is further directed to seek legislation to implement the fees as quickly as possible, which is supported by the California Physical Therapy Association. Discussion: Stacy Defoe, CSE of the CPTA, indicated the CPTA is neutral regarding this issue. Vote: 4-0. Motion carried.

(B) Proposed Physical Therapy Practice Act

Moved by Sara Takii, Seconded by Adele Levine to direct staff to continue to seek legislation to adopt the proposed practice act language in the October 18, 2005 draft. A cooperative arrangement with the California Physical Therapy Association to accomplish the legislative change is desirable, and the PTBC president is authorized to make changes in the proposed language to enable a single proposal to be submitted for consideration by the Legislature. Vote: 4-0. Motion carried.

(C) Obtain Legislative Authority to Disconnect Telephones of those Engaging in the Unlicensed Practice of Physical Therapy

Mr. Hartzell explained that there are multiple Boards that have the authority to disconnect telephones of those engaging in the unlicensed practice. However, the PTBC does not have the authority and Mr. Hartzell is requesting the Board's permission to pursue this authority. The Board unanimously agreed for Mr. Hartzell to pursue the PTBC having this authority.

20. Consideration of Staff Recommendations on Study of Fingerprint Clearance – *Monny Martin*

Mr. Martin and Mr. Nelson introduced themselves to the Board. Mr. Martin directed members to his briefing paper included in the agenda book and provided a report on the statistical information he gathered regarding accepting fingerprint reports via Live Scan vs fingerprint cards. He further explained the difficulty of receiving fingerprint report clearances from applicants who were processed with a fingerprint card vs. Live Scan. The problem is Live Scan is only available in California.

Mr. Heppler indicated if the Board changes the ability for an applicant to only be able to process their fingerprints in California via Live Scan then the Board would need to adopt regulations that would establish this requirement for licensure. Ms. Scuri added that it is acceptable to inform the applicants of the advantages to having fingerprints processed via Live Scan vs. fingerprint cards (but not to eliminate the ability to do both). She also reported Department of Justice (DOJ) conducted a criminal offender training at DCA this past week and DOJ informed them that they can perform a name check if an applicant continues to experience rejected fingerprint cards due to the inability to read a persons fingerprints.

Members did not agree to terminate the ability for applicants that are licensed out-of-state or out-of-county to not have fingerprints processed on a fingerprint card and to only require him/her to come physically to California to have his/her fingerprints processed via Live Scan.

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Moved by Adele Levine, Seconded by Debra Alviso for staff to encourage all applicants to submit their fingerprints via Live Scan and to require both Department of Justice and Federal Bureau of Investigation clearances before issuing a license to applicants. Vote: 4-0. Motion carried.

21. Review and Action on the Credential Evaluation Report Format by the Evaluation Services
– *Carl Nelson*

Mr. Nelson directed members to the briefing paper included in the agenda book and explained that staff is not requesting action by the Board but this is for informational purposes so the Board is aware that staff is making a procedural change. He also explained that with the development of the ELEERs the Board no longer needs to receive the entire credential evaluation report. Staff only needs the first page that indicates whether the applicant has met the educational requirements in order to process the application for the NPTE.

Mr. Hartzell reported this regulation has been placed on the 2007 Rulemaking Calendar in order to add this policy change to the existing regulation.

22. Licensing

The full Board will review, discuss and take action on licensing issues that have been submitted to the Board.

There were no licensing issues for the Licensing Committee to discuss.

23. Practice Issues

The full Board will review, discuss, and take action on practice issues that have been submitted to the Board.

- (A) Review and action on Joint Statements by the California Board of Occupational Therapy and the Physical Therapy Board of California to provide clarification of both professions scope of practice and physical therapist supervising an occupational therapist to obtain their advance practice certification.

Ms. Mitchell reported the joint statements have been drafted and sent to the California Occupational Board (CBOT) for review. She expressed the difficulty she has been experiencing in receiving a reply for the CBOT. President Krueger would like to extend an invitation to the CBOT to attend the next Board meeting to discuss this topic.

24. Election of 2007 Board President and Vice-President

Ms. Scuri explained that section 2604 of the Business and Professions Code requires the Board to elect one member as President annually.

Ms. Levine expressed her concerns about electing a Board President due to the fact all the members are new to the Board and have not had the opportunity to familiarize themselves with the Board members. She would prefer to postpone nominating a Board President at this meeting and for President Krueger to continue until the May meeting as President.

The other members expressed their objections to postponing the Board elections.

Moved by Adele Levine for Ms. Krueger to serve for the next two Board meetings as President and to hold the Board elections at the May meeting. Motion did not carry as there was not a member to second the motion.

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Moved by Sara Takii, Seconded by Debra Alviso for Nancy Krueger to continue as Board President and to hold the Board elections at the next Board meeting. This would also include election of the Board's Vice-President. Vote: 3-0. 1 Abstain, Ms. Levine. Motion carried.

25. Election of 2007 FSBPT Delegate and Alternate Delegate

President Krueger deferred this election to the next Board meeting as well.

26. Items for Next Meeting Agenda - PTBC Meeting in January/February

COOP/COG Plan – Distribute to members

Invite the Board's budget analyst to provide a brief training for a Sacramento meeting

Public Forum on the Use of Doctorate Degree in Science

Practice Issues – Joint Statements

27. Public Comment on Items not on the Agenda

There was no public comment received under this agenda item.

28. The Board will convene in CLOSED SESSION to deliberate on proposed disciplinary decisions and stipulated settlements per Government Code 11126(c)(3).

Disciplinary decisions are available on the Board's web site at www.ptb.ca.gov.

29. Evaluation of Executive Officer - CLOSED SESSION (Per Title 2, Division 3, Part 1, Section 11126(a)(1) of the Government Code).

30. Adjournment

The Physical Therapy Board of California adjourned the meeting at 4:24 p.m.

Moved by Marty Jewell, Seconded by Debra Alviso to approve the November 9, 2006 minutes with amendments to Agenda Item 6, page 3, line 114, add the word "disciplinary" before votes; Agenda Item 17, page 9, line 397, add after delegate "to the executive officer the authority under Government Code 11181" and delete after delegate "the authority by Section 11181 of the Government Code to the executive officer the ability"; and Agenda Item 9, page 5, line 210, provide additional clarification on the term "blanket" (personnel costs for other specifically budgeted positions). Vote: 5-0. Motion carried.

The minutes have been corrected to reflect the amendments in the motion.

Board President – Nancy Krueger, PT

Date