

**PHYSICAL THERAPY BOARD OF CALIFORNIA**

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APPROVED
PUBLIC NOTICE – BOARD MEETING MINUTES
May 17 & 18, 2007

Loma Linda University
Randall Visitors Center
11072 Anderson Street
Loma Linda, CA 92350

Thursday, May 17, 2007 8:30 a.m.

1. Call To Order and Roll Call

President Krueger called the meeting of the Physical Therapy Board of California to order at 8:32 a.m. Roll call was taken. A quorum was established. Ms. Levine was not present at the time of roll call.

Nancy Krueger, PT – President
Marty Jewell, PT, PhD – Vice President
Adele Levine
Debra Alviso, PT
Sara Takii, PT

2. Approval of Minutes

The minutes were edited by Ms. Krueger who deleted the word “addresses” from line 365 on page 8. Moved by Marty Jewell, seconded by Debra Alviso to approve the February 9, 2007 meeting minutes as edited. Vote: 4-0. Motion carried. Ms. Levine was not present.

3. President’s Report – Nancy Krueger, PT

Ms. Krueger explained the cancellation of the strategic planning meeting scheduled for March 27 & 28, 2007 was largely due to the prohibitive costs and lack of a facilitator. She further announced that the strategic planning meeting had been rescheduled for all day on August 1st and in the morning of August 2nd immediately preceding the Board meeting scheduled for August 2nd and 3rd. Mr. Hartzell advised the Board that the new Director of the Department of Consumer Affairs, Carrie Lopez was an experienced facilitator of Strategic Planning meetings and that he had invited her to assist with facilitation of their upcoming meeting.

The members reviewed the meeting dates remaining in 2007 and no conflicts were identified. Mr. Hartzell requested the members bring their calendars to set meeting dates in 2008.

Mr. Hartzell advised members that James Turner former public member was actively seeking appointment by the Speaker of the Assembly.

Members were reminded that the registration deadline for the Federation of State Boards of Physical Therapy (FSBPT) is July 1, 2007 and that Sara Takii was appointed as delegate and Debra Alviso as alternate delegate.

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4. Discussion and Public Comment Regarding the Development of Regulations to Define a "Doctoral Degree in a Related Health Science" for Purposes of Business and Professions Code Section 2633

Ms. Takii stated she researched the Legislative digest to determine the intent of the statute but found it to be nebulous and broad. Legal counsel was charged with developing a rough draft for consideration by the members at their next meeting. James Syms, PT representing CPTA asked about the time line for a regulatory hearing to which the Board responded they were hopeful for it to be scheduled for the first meeting of 2008.

5. Continuing Competency Task Force Report – Marty Jewell, PT, PhD - Chair

Ms. Jewell referred the members to the minutes of the April 18, 2007 meeting. President Krueger asked whether or not the task force would consider developing different requirements for physical therapist assistants. Ms. Alviso offered to summarize the physical therapy claim study she received from the Healthcare Providers Service Organization to present to the task force at their meeting scheduled for May 30, 2007. Mr. Hartzell emphasized that the task force meeting minutes reflect that the concept, and not the specific language, regarding the implementation date of continuing competency two years after the effective date of the regulation which is anticipated to be implemented in late 2008, would be presented to the Board at their August meeting.

6. Disciplinary Action Report – Nancy Krueger, PT

Ms. Krueger reported on the Disciplinary Action Report included in the agenda book. Mr. Hartzell reported on the prioritization of cases to be investigated by DCA's Division of Investigation (DOI). He indicated that due to the staffing levels of DOI prioritization was implemented. In response to Ms. Jewell's inquiry regarding how cases were prioritized he explained that the most egregious such as patient harm or sexual misconduct received the highest priority and that cases of unlicensed activity received the lowest priority which was in direct conflict with the recent focus of the governor to reduce unlicensed activity.

7. Hearing on Petition for Reinstatement – Robert Gray II, PT

After submission of the matter, the Board did convene in CLOSED SESSION to deliberate per Government Code Section 11126(c) (3).

All members, except Ms. Levine, were present and hearing the matter with Administrative Law Judge Stuart Waxman. Disciplinary Decisions are available on the Board website at www.ptb.ca.gov.

8. Hearing on Petition for Termination or Modification of Probation – Byron Thompson, PT

After submission of the matter, the Board did convene in CLOSED SESSION to deliberate per Government Code Section 11126(c) (3).

All members were present and hearing the matter with Administrative Law Judge Stuart Waxman. Disciplinary Decisions are available on the Board website at www.ptb.ca.gov.

9. Hearing on Petition for Termination or Modification of Probation – Donald Zimmerman, PT

After submission of the matter, the Board did convene in CLOSED SESSION to deliberate per Government Code Section 11126(c) (3).

All members were present and hearing the matter with Administrative Law Judge Stuart Waxman. Disciplinary Decisions are available on the Board website at www.ptb.ca.gov.

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10. Licensing

There were no licensing issues for the Board to discuss.

11. Practice Issues

Ms. Mitchell indicated she included the first statement titled, "Clarification of a Physical Therapist's & Occupational Therapist's Scope of Practice" since it had minor edits to the statement adopted by the Board at the February 9, 2007 meeting.

Ms. Mitchell presented the second statement titled "Clarification of a Physical Therapist's Responsibility while Providing Supervised Training of an Occupational Therapist Obtaining an Advanced Practice Certification in Hand Therapy of Physical Agent Modalities" drafted by legal counsels for the PTBC and the California Board of Occupational Therapy (CBOT). After discussion by the Board and testimony from the public the Board decided to amend the language on the first line of Alternative 2: OT Treatment Plan as follows:

The OT may perform advanced practice procedures under the supervision of a PT under a treatment plan ~~lawfully established by an OT~~ by an OT who is lawfully authorized to establish that treatment plan.

It was moved by Adele Levine, seconded by Marty Jewell to adopt the language as amended. Vote: 5-0. Motion carried.

Heather Martin, Executive Officer of the CBOT was present and addressed the Board regarding this statement. She indicated to the Board that the CBOT would be meeting on May 24th to consider adoption of the statement. The Board respectfully requested that the amended language also be presented to the CBOT for their consideration.

12. Public Comments on Items Not on the Agenda

Members of the public expressed appreciation for the meeting held at Loma Linda University so that the students of the university could attend as well as others from the area. The Board publicly expressed their appreciation of the efforts made by James Syms, PT to invite and accommodate them.

The Board delayed entering into closed session to enable Mr. Hartzell to introduce Carrie Lopez, new director of the Department of Consumer Affairs. Ms. Lopez acknowledged that Mr. Hartzell had discussed with her the shift in focus on strategic issues versus operational issues when doing strategic planning. The members extended an invitation to Ms. Lopez to attend and assist with the Board's strategic planning in August.

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

Disciplinary Decisions are available on the Board website at www.ptb.ca.gov.

The board recessed until Friday, May 18, 2007 at 9:00 a.m.

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Friday, May 18, 2007 9:00 a.m.

14. Call To Order and Roll Call

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

Nancy Krueger, PT – President
Marty Jewell, PT, PhD – Vice President
Adele Levine
Debra Alviso, PT
Sara Takii, PT

15. Executive Officer's Report - *Steven K. Hartzell*

Mr. Hartzell advised the Board on staffing changes, he reported that Michael McCormick and Linda Marren had separated from the Board resulting in leave time to pay out to them both. He also indicated that Veronica Gutierrez had been appointed to the position formerly held by Ms. Marren. Mr. McCormick's position had been used to fund other part time positions which were not fully funded and that the remainder of his position was still vacant thereby creating a salary savings. He also identified savings in DOI and Evidence and Witness Fees while Attorney General costs have been overspent. He also updated the Board on the status of office relocation and associated costs. Finally, Mr. Hartzell stressed the importance of per diem reimbursement being submitted timely each month. He explained that it would be helpful if each member would combine all of their time and submitted it once monthly in lieu of submitting each activity for the month separately.

Mr. Hartzell made the Board aware that a petitioner to modify probation, placed a request to be heard by an Administrative Law Judge in San Diego, due to his inability to travel as result of health conditions. Since the Board is not scheduled to meet in the San Diego area in the near future, Mr. Hartzell advised the Board that if there were no concerns raised by the Board he would afford the petitioner a hearing by an Administrative Law Judge in San Diego. The Board raised no concerns.

16. 2007 Legislation Update – *Steven K. Hartzell*

Mr. Harzell referred the members to his updated included in the agenda book.

17. Rulemaking – *Rebecca Marco*

Ms. Marco advised the Board that after lengthy discussion with legal counsel it had become apparent that the rulemaking identified on the calendar needed to be given more consideration. Therefore those regulations that were scheduled for consideration at this meeting agenda items #18 Disciplinary Guidelines, item #19 Administrative Citations and item # 20 Abandonment of Applications as well as though remaining on the calendar will need to be addressed at a later time.

18. Consideration of Proposed Amendment to Section 1399.15, Disciplinary Guidelines, of Title 16 of the California Code of Regulations

Refer to agenda item #17.

19. Consideration of Proposed Amendment to Section 1399.26, Issuance of Administrative Citations, of Title 16 of the California Code of Regulations

Refer to agenda item #17.

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20. Consideration of Proposed Amendment to Sections 1398.21, 1398.21.1, 1398.23, 1398.24, 1398.27, and 1398.42 of Title 16 of the California Code of Regulations, Relating to the Submission, Review and Abandonment of Applications

Refer to agenda item #17.

21. Review and Action on the Board's Strategic Plan for Preparation of the August Strategic Planning Meeting – Rebecca Marco

Ms. Marco indicated that the Board president requested that additional time be scheduled to facilitate more thorough discussion on the existing strategic plan since the Board was pressed to cancel the strategic planning meeting in March. Mr. Hartzell intervened that after an Executive Officers meeting with the new director he learned a new strategic planning tool. Since Ms. Lopez visited the Board at its meeting earlier in the day the Board had already been apprized of Ms. Lopez delivery of strategic planning.

22. Newsletter Update – Debi Mitchell

Ms. Mitchell advised the Board that due to budget restraints the publication of the summer addition of the newsletter had been delayed until August. Members of the audience expressed anxiety over the delays and asked that in the future could the newsletter be published on the PTBC website in lieu of mailing if future budgetary issues were an obstacle. Ms. Mitchell further indicated that she didn't need any additional articles for this publication but encouraged members to be thinking of articles for the following edition.

23. FSBPT Continuing Competency Steering Committee Pilot Program Update – Steven K. Hartzell

Mr. Hartzell addressed this under agenda item #15, the Executive Officer's report.

24. Consumer and Professional Associations and Intergovernmental Relations Report– Steven K. Hartzell

(A) California Physical Therapy Association (CPTA)

On behalf of the CPTA, James Syms, PT offered the board an exhibit booth at the CPTA conference in Los Angeles on September 27 and 28, 2007.

(B) American Physical Therapy Association (APTA)

© Federation of State Boards of Physical Therapy (FSBPT)

(D) Department of Consumer Affairs (DCA)

(E) California Board of Occupational Therapy (CBOT)

(F) Board of Chiropractic Examiners (BCE)

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

(H) Veterinary Medical Board (VMB)

The Board discussed the invitation from Sue Geranen, Executive Officer of the Veterinary Medical Board, to participate as a member of the task force addressing the issue of physical therapists treating animals. On behalf of the Board, Ms. Takii volunteered to participate as a task force member.

(I) Medical Board of California (MBC)

25. Agenda Items for Next Meeting

- Strategic Plan
- Use of "Dr." and defining health related sciences
- Rulemaking proposals on citation and fine, disciplinary guidelines and continuing competency
- Language for Initial License Fee of PTA's

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- 2008 Meeting Calendar
- Newsletter

26. Public Comment on Items not on the Agenda

Piccola Ford-Levine again thanked the Board for meeting in a location accessible to her.

27. Adjournment

The meeting of the Physical Therapy Board of California adjourned at 2:25 p.m.

Moved by Marty Jewell, Seconded by Debra Alviso to approve the May 17 & 18, 2007 meeting minutes based on the review by the members that were serving on the Board at the time of the meeting.

Vote: 5-0. Motion carried.

Nancy Krueger, PT – President

Date