



**Approved**  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**MEETING MINUTES**  
**January 24 & 25, 2008**

University of Southern California  
Health Sciences Campus  
CHP Building  
1540 Alcazar Street, Room 101  
Los Angeles, California 90033  
(323) 442-2900

**Thursday, January 24, 2008 9:00 AM**

**1. Call To Order and Roll Call**

President Krueger called the meeting of the Physical Therapy Board of California to order at 9:09 a.m. Roll call was taken. Nancy Krueger, Martha Jewell, Debra Alviso and James Turner were present; members Adele Levine and Sara Takii were absent. A quorum was established.

**2. Approval of Minutes**

(A) October 25 & 26, 2007 – Board Meeting

It was moved by Ms. Jewell, seconded by Mr. Turner to approve the minutes with the correction to Mr. Hartzell's name on page 9, line 412. Vote: 4-0. Motion carried.

**3. President's Report – Nancy Krueger, PT**

(A) 2008 Meeting Dates

The discussion of the 2008 meeting calendar resulted in canceling the March 20, Strategic Planning meeting; changing the August 7 & 8 meeting to Oakland; participating in the DCA meeting of all boards in November, date to be determined and Ms. Alviso made note of the date change of the May meeting to May 1 and 2 in Fresno.

Mr. Turner questioned Mr. Hartzell regarding the intent of the joint meeting of the boards currently being organized by DCA and whether or not it would be on going. Mr. Hartzell replied that part of the effort by DCA was driven by the ability of consumers to access as many board meetings as possible and to afford opportunity for board members themselves to attend meetings and learn from other boards. Mr. Hartzell presumed that whether or not there would be annual meetings of the boards in one location organized by DCA would largely depend on the success of the upcoming one.

(B) Update

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Ms. Krueger advised the audience that agenda item number 10 would be addressed prior to agenda item number 11, to eliminate the need for the audience to wait until after the Board entered into closed session.

Ms. Krueger also announced that the FSBPT were seeking potential candidates for their continuing competency task force and Ms. Krueger suggested Ms. Jewell should be considered.

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

(A) Update

Mr. Hartzell directed the members to the 2007 Legislative Digest included in their agenda book. Mr. Hartzell addressed each of the bills specific to physical therapy starting with AB 1444 to which he advised had been withdrawn by the author; SB 1049 was enacted; and SB 963 became a two year bill. Ms. Freedman, legal counsel, responded that SB 963 would significantly change the operation of the boards in response to Mr. Turner's question about it limiting the autonomy of the Board. Consequently, the members requested SB 963 be placed on the agenda for the May meeting to for further discussion. In response to Ms. Jewell, Mr. Hartzell cautioned the Board against taking a position on the bill since the author was the chair of Senate Business and Professions Committee. The members reviewed the outcome of the remaining legislative bills that had impact on boards, bureaus, commissions and programs within DCA.

Additionally, Mr. Hartzell advised that the FSBPT had just released the latest revision to the Coursework Evaluation Tool (CWT). It will be made available to Ms. Takii and Ms. Jewell so that they can complete their task of recommending whether or not the Board should adopt the CWT in place of the ELEERS.

The members were apprized of a memo received from DCA Director Carrie Lopez requesting each board to determine whether or not it could expedite its processes to accelerate licensure. Mr. Hartzell responded that the Board currently processes expeditiously and encounters no delays but will still visit the issue to ensure compliance with her request. He went on to advise that completion of iLicensing will expedite the renewals of licenses.

(B) FY 2006 - 2007, FY 2007 – 2008, & FY 2008 - 2009 Budget

The members reviewed the budget report covering November 2007, budget and expenditures, encumbrances, history and revenue. Mr. Hartzell responded to assorted inquiries from the Board members regarding the report.

(C) Office Relocation

Mr. Hartzell advised that the office is scheduled to move on March 14, 2008, providing there are no further delays.

**5. Strategic Plan**

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(A) Adoption of Strategic Plan

Ms. Marco introduced the 2008-10 Strategic Plan of DCA and requested the Board consider working with Val Sheehan, facilitator of the DCA Strategic Plan to reconstruct the Board's strategic plan to parallel with DCA's Strategic Plan. The Board discussed adopting its Strategic Plan in its current format to allow staff to begin carrying out some of its objectives. However, Ms. Jewell had concern with adopting a plan that was going to be revised. Ms. Alviso pointed out that Goal one was not corrected as indicated in the minutes. Ms. Freedman suggested the Board adopt the matrix, not the plan, to allow staff to begin working on the objectives.

It was the consensus of the Board to pursue a contract with Ms. Sheehan.

Moved by Ms. Jewell, seconded by Ms. Alviso to adopt the Mission, Vision and Value Statements of the 2008 Strategic Plan. Vote 4-0. Motion carried.

(B) Strategic Plan Matrix Chart

Moved by Ms. Jewell, seconded by Mr. Turner to adopt the tracking matrix, after correcting Goal one, as an operational guideline for staff. Vote 4-0. Motion carried.

**6. Consideration of Proposed Amendments to Section 1399.15, of the California Code of Regulations, Title 16, Division 13.2, Article 2, Disciplinary Guidelines**

Ms. Ybarra presented the draft to the members advising that those changes made from the meeting in October 2007 were highlighted. The review resulted in some additional changes being made prior to submitting to OAL.

Moved by Ms. Jewell, seconded by Mr. Turner to proceed with the regulatory process so that the Board could conduct the hearing on the proposed amendments at its meeting in May 2008. Vote 4-0. Motion carried.

**7. Appointments to Assistive Personnel Task Force – Nancy Krueger, PT**

Ms. Krueger will chair the task force appointed to address the statutes and regulations governing the use of assistive personnel in the practice of physical therapy. Ms. Takii and Mr. Turner will also serve on the task force. Additionally, Ms. Krueger appointed Mitch Kaye, PT, James Dagostino, PT, John Linberger, PTA, Debbie Seid, PT, and Larry Hazen, PT. Ms. Krueger is actively seeking a physical therapy student who has experience as a physical therapy aide to also serve on the task force. Ms. Krueger reserved the right to appoint more members if necessary. Ms. Krueger would like the initial meeting to be prior to the meeting of the Board in May and requested each task force member receive a copy of the FSBPT Model Practice Act; current statutes and regulations governing supervision of the physical therapist assistant and physical therapy aide; data on complaint history and the APTA standards. Cheryl Resnik, PT cautioned that eliminating the physical therapy aide would have a strong economic disadvantage on the physical therapy profession and

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would eliminate a fair competition if the physicians were allowed to supervise unlicensed staff performing physical therapy tasks.

**8. Rulemaking – Rebecca Marco**

(A) Rulemaking in Progress

Ms. Marco advised that the only rulemaking in process is the Citation and Fine regulation and it is being prepared to be submitted to the Office of Administrative Law.

(B) 2008 Proposed Rulemaking Calendar

Ms. Marco explained that the 2008 rulemaking calendar was not due until January 31<sup>st</sup>; therefore, the Board had one more opportunity to add to the calendar. She also pointed out that staff had added proposed amendments to section 1398.1 PTBC Office Location and 1398.47 PTA Equivalency. Also added from the last meeting was section 1399.85 Patient Records, to address signature legibility.

Ms. Marco also indicated that she had an inquiry regarding the use of SPT for physical therapy students and IPT for physical therapy interns. There is no regulatory provision addressing these acronyms. There was concern raised regarding the actual meanings of both terms. As a result, Ms. Jewell offered to visit the issue with the assistance of legal counsel and report back to the members at the meeting in May.

Moved by Ms. Alviso, seconded by Mr. Turner to approve the Rulemaking Calendar as presented. Vote: 4-0. Motion carried.

(C) Possible revisions regarding legibility of signatures in documentation

Ms. Marco indicated that there are multiple regulations regarding the signature of a supervisor; however, section 1399.85 specifically addresses the signature in the patient record by the physical therapist and fails to address anyone else treating the patient, i.e. students, PTLA, etc.

**9. 2008 Legislation Update – Steven K. Hartzell**

(A) Fee Increase

Mr. Hartzell indicated he is still trying to find an author for the fee increase. Ms. DeFoe stated that the CPTA had agreed to assist with this task.

(B) Proposed Physical Therapy Practice Act

Mr. Hartzell advised the members that it had been presented to DCA and that they had declined to assist with getting it introduced but would be glad to help locate an author.

(C) Obtain revisions to Legislative Authority to Disconnect Telephones of those

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Engaging in the Unlicensed Practice of Physical Therapy

Mr. Harzell stated that DCA is seeking to include this in their omnibus bill.

(D) AB 1444 – Physical therapists; Scope of Practice

Ms. DeFoe indicated the bill had been pulled and that it had become a vehicle bill.

(E) 2008 Legislative Proposals

It was noted that all bills needed to have an author by the February 22, 2008 deadline.

All of the above were addressed under agenda item number

**10. Proposed Disciplinary Decisions**

The Board convened in CLOSED SESSION to deliberate on proposed disciplinary decisions and stipulated settlements pursuant to Government Code section 11126(c)(3).

**11. Consumer and Professional Associations and Intergovernmental Relations  
Report -*Steven K. Hartzell***

(A) California Physical Therapy Association (CPTA)

Ms. DeFoe, CEA of the CPTA offered comments regarding issues discussed by the Board throughout the course of the meeting.

(B) American Physical Therapy Association (APTA)

Nothing to report.

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

1. Proposed amendment regarding jurisdictional reimbursement of ADA cost for licensure examinations.

Mr. Hartzell will present the motion to amend the bylaws requiring payment of ADA costs by the FSBPT.

(D) Department of Consumer Affairs (DCA)

Nothing to report.

(E) California Board of Occupational Therapy (CBOT)

Nothing to report.

(F) Board of Chiropractic Examiners (BCE)

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Nothing to report.

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

Nothing to report.

(H) Veterinary Medical Board (VMB)

Mr. Hartzell advised the Board that the VMB was waiting on advice from their legal counsel regarding developing regulations addressing physical therapists providing physical therapy treatment to animals.

(I) Medical Board of California (MBC)

Nothing to report.

## **12. Evaluation of Executive Officer**

The Board evaluated the performance of the Executive Officer in CLOSED SESSION pursuant to Section 11126(a)(1) of the Government Code.

## **RECESS**

## **RESUME OPEN SESSION**

***Friday January 25, 2008 9:00 AM***

## **13. Call to Order and Roll Call**

President Krueger called the meeting of the Physical Therapy Board of California to order at 9:10 a.m. Roll call was taken. Nancy Krueger, Martha Jewell, Debra Alviso and James Turner were present. Adele Levine and Sara Takii were absent. A quorum was established.

## **14. Newsletter Update – *Debi Mitchell***

The Board appreciated that the newsletter was soon to be published. Ms. Resnik requested 250 copies for her students.

## **15. Corporate Practice of Physical Therapy – *Laura Freedman***

Ms. Freedman advised the Board that the Attorney General's office was no longer pursuing the issue. She suggested the Board redefine the discussion at some point in the future by identifying the concerns with the practice as it currently exists.

## **16. Practice Issues – *Debi Mitchell***

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No practice issues were submitted to the Board.

**17. Hearing on Petition for Termination or Modification of Probation – Thomas Werderits, PT**

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

**18. Continuing Competency Task Force Report – Marty Jewell, PT, PhD**

(A) Proposed Regulations

Ms. Jewell thanked members of the task force Debra Alviso, Don Chu, Rick Katz, Adele Levine, Brad Stockert and Luis Williams, as well as legal counsel and Board staff for their hard work in developing continuing competency regulatory language.

Ms. Jewell then took comments from the audience on the proposed language. Such comments included: credit for CME units; approval of attendance at APTA district meetings; number of credit hours for clinical instructors, subject matter experts and Board meeting attendance; separate peer review journal from book chapter or case study; specialty exam credit; recertification; how to avoid “conflict of interest”; how licensees check on a course for “approval”; separating and defining Agency and Provider; peer review of course as a requirement; and, how often a course is approved.

It was decided that Ms. Alviso and Ms. Jewell along with staff and counsel would meet to consider the comments received and return to the May meeting with an amended draft, if warranted.

The Board considered the meeting minutes of the November 8, 2007 task force. Moved by Mr. Turner, seconded by Ms. Alviso to approve the minutes as written. Vote: 4-0. Motion carried.

**19. Consumer Protection Services Report – Nancy Krueger, PT**

Members questioned what type of complaints would be categorized as “unprofessional conduct” since all violations of the Act are considered unprofessional conduct. Ms. Ybarra explained generally and after additional questions, Ms. Ybarra reported she would research it and bring back that information to the next meeting. Members recommended that a definition for each category be included with the next report to further clarify how complaints are categorized.

Ms. Ybarra reported that the number of citations issued was lower than usual due to the large number of cases received this quarter.

**20. Application & Licensing Services Program Report – Debi Mitchell**

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The report was provided and discussed. The members were pleased with the comprehensive reporting of the application and licensing data.

**21. Agenda Items for Next Meeting**

PTBC Meeting – May 1 & 2, 2008

- SB 963
- Assistive Personnel Task Force Update (Call for Public Comment)
- Update on Wall Certificates
- Unlicensed/Corporate Practice of Physical Therapy
- Use of Titles, PT, PTA, PT Tech
- Amendments to draft Continuing Competency Regulations
- Probation Monitoring

**22. Public Comment on Items not on the Agenda**

Ms. Resnik raised a potential issue regarding the status of Florida's St. Augustine's physical therapy satellite program in San Diego. She visited the website of Bureau of Private Postsecondary Vocational Education and learned that they had become inoperative as of July 1, 2007; therefore, she could not verify the approval of the program by the BPPVE.

**23. Adjournment**

Ms. Krueger adjourned the meeting at 2:03 p.m.

Moved by Martha Jewell, Seconded by Debra Alviso, to approve the January 24 & 25, 2008 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.

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**Nancy Krueger, PT – President**

**Date**