



**Approved**  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**MEETING MINUTES**  
**August 7, 2008**

**Department of Consumer Affairs**  
**Hearing Room**  
**2005 Evergreen Street**  
**Sacramento, CA 95815**  
**(916) 561-8200**

**Call to Order and Roll Call**

The meeting was called to order at 9:10 a.m. by President Krueger. All members were present and a quorum was established.

Ms. Krueger introduced and welcomed Ms. Lopez, Director of the Department of Consumer Affairs. Ms. Lopez expressed her appreciation for the opportunity to meet with the Board and updated the Board on the most burning issues currently being addressed by the department. Ms. Lopez further expressed enthusiasm for the upcoming Professionals Achieving Consumer Trust summit scheduled for November in Los Angeles.

**1. 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).

**2. Approval of Minutes**

It was noted that Gary Lentell, Sara Takii and Marty Jewell's names were misspelled, some motions were missing and Ms. Freedman noted edits. Consequently, the Board opted not to vote on the minutes at this time. The Board tabled review of the minutes to the November meeting.

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

**(A) 2008 PTBC Meeting Dates**

The final meeting for 2008 would be in Los Angeles, on November 18 as part of the PACT Summit.

**(B) 2009 PTBC Meeting Dates**

The proposed meeting dates for 2009 were reviewed and accepted with the exception of January. The Board requested the dates for January be changed to January 29 and 30<sup>th</sup>. The Board added February 9<sup>th</sup> through the 12<sup>th</sup>, APTA Combined Sections Meeting to the calendar and discussed the possible movement of the May meeting. It was pointed out that the dates were chosen to accommodate the schools who have expressed interest in hosting the meetings. These dates generate the largest student attendance.

(C) Update

Ms. Krueger indicated the Assistive Personnel Task Force met and she will update the Board on their progress under agenda item number 16.

#### **4. Application & Licensing Services Report**

Mr. Hartzell introduced Ilda Romo as the interim lead of the Licensing Services Program. He explained that Ms. Romo is acting in the absence of Ms. Mitchell while she is on leave. Ms. Romo explained that the revision of the wall certificate continued to be interrupted since the Office of Information Systems who is responsible for the revisions are employed in so many projects. Additionally, Ms. Romo presented the reports on Application & Licensing Services Program statistics, included in the book. Ms. Jewell suggested the information from the FSBPT could be used to support data on meeting manpower needs.

### **10:00 AM Regulatory Hearings**

#### **5. Regulatory Hearing on the Proposed Language for the following Sections of the California Code of Regulations, Title 16, Division 13.2, Article 10 and 13, Continuing Competency**

The regulatory hearing was called to order at 10:27 a.m. to accept comments on the proposed language.

The Board received the following testimony:

Katherine Demos, Regulations Coordinator for DCA. Ms. Demos suggested adding to section 1399.92(a) and (b) "but is not limited to" which defines professional practice and patient/client management. Ms. Demos further suggested the Board consider whether 1399.94(a)(2) so it read: college coursework from an accredited institution "be limited in subject matter".

Brian Coleman-Salgado, PT, President of the Northern California Clinical Education Consortium provided written testimony during the comment period and submitted oral comments requesting that section 1399.94, 1(b) (Alternate Pathways table), section E not limit the clinical instructor to receiving a credential exclusively from the APTA. Marijean Piorkowski, PT submitted a written comment with the same concern.

Marilyn Pink, PT., CEO of EDUCATA submitted oral testimony echoing her written comments submitted during the comment period. Her testimony included numerous questions regarding the practical implementation of the regulations, including definition of professional development; credit for internet courses; how time credit will

be determined for 'self/home study', traditional pathway course standards such as post tests, passing scores, bibliographies; definition of an hour and whether "rounding" was acceptable; how will certificate fraud be handled; pre-approval process and associated fees; recognition for approval agencies; and, finally maintenance of records by licensees for seven years which was also addressed by Vera Rakic, DPT in her written comments.

Cary Caulfield and Stacy DeFoe, representing CPTA provided oral testimony together. Ms. DeFoe submitted comments written by Cheryl Resnik, PT, CPTA President, on behalf of the California Physical Therapy Association. They recommended two things: 1) to add a provision to allow retro active approval of courses, and 2) to require approved courses in 1399.85 be peer-reviewed by a physical therapist. Ms. Defoe also thought there was disparity in the credit conversion for some alternate pathways than others. Peer reviewed journals should get more hours per experience than subject matter expert's get per experience.

The oral testimony was concluded at this time and the Board closed the regulatory hearing.

The Board also considered written comments.

Caroline Zuckerman, PT submitted written comments during the comment period suggesting that requiring continuing competency courses of those therapists that are part time cannot sustain the associated costs.

Diane Przepiorski of the California Orthopaedic Association submitted written comments during the comment period requesting the word diagnosis be deleted from section 1399.92(b).

Covey J. Lazouras, PT submitted written comment during the comment period expressing concern for the lack of credit being given to clinical site mentors or those who are still practicing full time in the clinic, and are adjunct faculty in an accredited program, who teach in clinical course work/lab work and not didactic work. Her greatest concern was with the weight given to the clinical instructor versus other activities believed to more indicative of clinical and professional competence.

Harriet Fain-Tvedt, PT, Therapy Manager for the California Children's Service provided written comment where she expressed concern for the amount of credit given for attending conferences.

Rosemarie Marselle, PTA expressed concern, in written comment, regarding physical therapist assistants being required to accumulate the same amount of hours of continuing competency as a physical therapist. She also took exception with the additional \$10 fee to fund the program.

Virginia Barragan, PT believed there was an error in the CPR requirements.

The Board discussed comments and points made by those providing testimony and took the following actions:

Ms. Freedman, legal counsel for the Board advised replacing “approval agency” with “regulatory authority” in section 1399.90(b) to eliminate confusion with the approval agency defined in subsection (c) of 1399.90.  
The Board concurred with the comment.

Ms. Marco noted a typographical error in section 1399.98(d). The text should read the renewal fee for an inactive license is the same as the fee to renew an active license.

The Board concurred with the recommendation of Ms. Demos to include “but is not limited to” in sections 1399.92(a) and (b) but declined to act on her suggestion to limit the subject matter in section 1399.94(a)(2) since 1399.92 establishes the subject matter for all continuing competency.

**MOTION**

Moved by Ms. Takii, seconded by Ms. Alviso to include the phrase, “but not limited to” in both subdivisions (a) and (b) of 1399.92.  
Vote: 5-0. Motion carried.

The Board concurred with the request of Mr. Coleman and Ms. Piorkowski and amended the language to recognize a similar certifying body of clinical instructors.

In response to the testimony received by Ms. Caulfied and Ms. DeFoe of the CPTA, the Board decided to adjust the hours of credit for alternate pathways C and D, making them 6 hours per experience and initiated a provision for retroactive course approval.

**MOTION**

Moved by Mr. Turner, second by Ms. Jewell to reduce the number of hours in the Alternate Pathways C and D to 6 hours per experience to ensure equivalency between the pathways and to add a provision for retroactive course approval by the approval agency.  
Vote: 5-0. Motion carried.

In conclusion Board made a final motion on the subject:

**MOTION**

Moved by Ms. Jewell, seconded by Mr. Turner to approve the package as amended and for staff to proceed with processing, assuming no adverse comments are received during the notice period. The motion was also to authorize the Executive Officer to make non-substantive changes as DCA or OAL may require.  
Vote: 5-0. Motion carried.

**6. Executive Officer’s Report – Steven K. Hartzell**

(A) Update

Mr. Hartzell updated the Board on the status of the Executive Order and it’s affect on the staffing and functions of the Board. Ms. Krueger expressed her appreciation of the staff and their sense of commitment.

Mr. Hartzell presented Rebecca Marco, Assistant Executive Officer of the Board, her award for 25 years of service.

(B) FY 2007 – 2008, FY 2008 – 2009 Budget

Mr. Hartzell referred the members to the CALSTARS report included in the agenda book. He also advised the Board on the benefit to the PTBC fund if AB2111 is signed by the Governor.

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

Ms. Defoe reminded the members and staff of the CPTA Conference beginning September 26, 2008 in Oakland.

**8. Federation of State Board of Physical Therapy Annual Meeting – Debra Alviso, PT & Sara Takii, PT**

Ms. Takii referred the members to the Delegate Assembly Agenda included in the book. She discussed the motions being considered by the assembly.

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

Ms. Krueger presented the report included in the book and asked for questions. Ms. Ybarra advised the Board of how the Executive Order affected the agencies who investigate and prosecute Board cases.

**10. Rulemaking – Rebecca Marco**

Ms. Marco indicated that the calendar reflected the status of the 2008 proposed rulemaking.

**11. Recommendations Regarding Tools to Evaluate Foreign Physical Therapy Education for Licensure of Physical Therapists and Physical Therapist Assistants – Sara Takii, PT**

Ms. Takii handed out the Fourth Edition of the FSBPT Coursework Evaluation Tool, revised April 2008. She requested the Board support utilizing the tool in lieu of the ELEER's which would require an amendment to section 1398.26.1 of the regulation.

**MOTION**

Moved by Ms. Jewell, second by Mr. Turner to proceed with regulatory amendments. Vote: 5-0. Motion carried.

**12. Legislation Update – Steven K. Hartzell**

(A) Definitions of PTBC Positions on Legislation

The definitions are included as an informational item.

(B) Introduced Legislative Bills

- ABX11 Health Care Reform; Nunez
- AB 865 State Agencies; live customer service agents ; Davis
- AB 1869 State Boards and Commissions Reorganization; Anderson
- AB 1925 Franchise Tax Board; business and professions licenses; Eng
- AB 2111 Physical Therapy: regulation; Smyth
- AB 2543 Geriatric and Gerontology Workforce Expansion Act; Berg
- AB 2649 Medical Assistants; authorized services; Ma
- AB 2734 Health Care Practitioners; advertisements; Krekorian
- SB 761 Diversion and Vertical Prosecution; Ridley-Thomas
- SB 797 Professions and Violations; Ridley-Thomas
- SB 843 Medical Information; Calderon
- SB 963 Regulatory Boards: operations; Ridley-Thomas
- SB 1156 Medical Practice Act; Aanestad
- SB 1288 CSUS Doctor of Nursing; Scott
- SB 1402 Reporting Requirements; - Corbett
- SB 1415 Patient Records: Maintenance and Storage; – Kuehl
- SB 1441 Healing Arts Practitioners: Alcohol & Drug Abuse; Ridley-Thomas
- SB 1454 Healing Arts; Advertising Requirements; Ridley-Thomas
- SB 1494 State Agency Websites; McClintock
- SB 1535 MBC: Medical Directors; Kuehl
- SB 1640 Hospital Employed Physicians; Ashburn
- SB 1769 Department of Consumer Affairs; Perata
- SB 1779 Healing Arts, Omnibus; Ridley-Thomas
- SB 1780 Professions and Vocations; Ridley-Thomas
- SB 2049 Sexual Battery Healing Professionals; – Saldana
- SB 2807 Department of Consumer Affairs; Adams;

Mr. Hartzell presented a summary, included in the agenda book, of those bills that had been amended since the May 2008 meeting of the board. He also advised that AB 2111 had just been read for the second time in the Senate and would be read for the third time and then to the floor for concurrence, and that he was hopeful it would succeed in being chaptered into law.

(C) Proposed Legislation -

(1) Amendment of entire Physical Therapy Practice Act

Mr. Hartzell advised the members that he intended on seeking an author for the revisions to the Physical Therapy Practice Act.

**13. Strategic Plan – Martha Jewell, PT**

Ms. Krueger welcomed Ms. Augustine, Deputy Director of Strategic Organization, Leadership and Individual Development of the Department of Consumer Affairs. Ms. Augustine explained her visit was in response to a request to explain to the Board the department's viewpoint on strategic planning. She commented that since the Board's goals and objectives in the draft plan mirrored those of the department, she suggested that the Board truly only needed to develop a business or operational plan. Ms.

Augustine offered the assistance of the department to facilitate the development for the Board. The Board agreed to accept the offer and scheduled a meeting for March, 2009.

At this time Ms. Rosario Marin, Secretary of the State and Consumer Services Agency greeted the Board. Ms. Marin explained that her goal was to visit each Board during her tenure as Secretary. She further stated that she had great respect for the profession and shared her personal story about her experience with physical therapists. Mr. Turner thanked her for her appearance and said that in all of his experience with the legislature and the Board he had never known of a former Secretary to personally attend a meeting of a Board.

#### **14. Newsletter Update – Kirsten Salters**

Ms. Salters explained that the Office of Publication, Design and Editing have agreed to design the newsletter once they receive the articles. The Board decided that there wasn't sufficient time to have the newsletter published in time for the CPTA conference but will begin submitting articles for publication in January, 2009.

#### **15. Identification and Signature Authority – Debra Alviso**

Ms. Alviso directed the members to her briefing papers regarding consideration of regulation revisions to clarify signature requirements. She opined that existing statutes and regulations sufficiently governed signature requirements although there were inconsistencies of co-signature requirements. She suggested that this issue be charged to the Assistive Personnel Task Force since they were already considering the supervision requirements of the physical therapist assistant and the physical therapy aide. Ms. Krueger concurred and she agreed to charge the task force with this issue. Another point of issue discussed was the distinction of physical therapy students and interns. Ms. Alviso requested consideration of seeking regulatory revisions to discontinue the use of physical therapy intern and to clarify designation for providers of physical therapy services in written communication, documentation and required identification including clarification and definition of designation for physical therapy license applicants, physical therapist assistant license applicants and students. Ms. Jewell commented she would like to reserve her opinion until she had further information. The task force will be charged with this task as well and will report back to the Board their findings.

#### **16. Review & Action on Recommendations by the Assistive Personnel Task Force Nancy Krueger, PT**

Ms. Krueger reported that the task force was progressing with developing regulatory language on the supervision of the physical therapy aide and the physical therapist assistant. She further advised that the task force will meet on October 10, 2008, to conclude their revisions in preparation of recommending draft language to the Board at the November meeting.

## **17. Agenda Items for Next Meeting**

- Consideration of comments received on the proposed continuing competency regulations.
- Report on the FSBPT Annual Meeting.
- 2009 Rulemaking Calendar
- Consideration of recommendations to the Board by the Assistive Personnel Task Force

## **18. Public Comment on Items not on the Agenda**

There was no public comment.

## **19. Adjournment**

President Krueger adjourned the meeting at 4:25 p.m.

Moved by Debra Alviso, Seconded by Sara Takii, to approve the August 7, 2008 meeting minutes with grammar edits to page three, line 110, 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**