



Physical Therapy Board of California

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APPROVED MINUTES PHYSICAL THERAPY BOARD OF CALIFORNIA

May 12, 2010 8:30 AM

May 13, 2010 8:00 AM

**Loma Linda University
24760 Stewart Street
4th Floor Conference Room
Loma Linda, California 92350
<http://www.llu.edu/map/>**

Call to Order and Roll Call

The Physical Therapy Board of California (Board) May 2010 meeting was called to order by Dr. Sara Takii, Physical Therapist at 8:36 a.m. All members were present and a quorum was established.

1. Approval of the Minutes

Marty Jewell, PhD., PT asked that the words “to discuss” be stricken from line # 521, so the sentence will read: “Mr. Hartzell recommended suspending the upcoming task force meeting until more information is obtained on the matter ~~to discuss.~~”

MOTION: To adopt the draft minutes with recommended corrections of the January 28-29, 2010 Board meeting minutes

MOVED: Dr. Debra Alviso, Physical Therapist

SECOND: James Turner

VOTE: 4-0 Motion Passed

Ms. Jewell, PhD., PT inquired about missing agenda items since items recommended in the minutes from January for the May 2010 Board meeting did not make it on the agenda for this meeting. Specifically the topics in question were manipulation, appropriate usage of the Doctor of Physical Therapy title, Wellness, and passive exercise. Steve Hartzell explained that board staff needed more time to gather further information to be ready for the Board members to review. Claire Yazigi, Legal Counsel, added the use of DPT is on the rulemaking calendar to review language.

2. President's Report – Dr. Sara Takii, Physical Therapist (A) Update

Dr. Takii, Physical Therapist addressed the July 2010 Board Meeting schedule. The members will travel on July 26th, there will be Department of Consumer Affairs (DCA) training on July 27th, and then the Board meeting will be held on July 28th. Mr. Hartzell discussed July 27th will be more of a training than a conference as originally planned. In addition he noted that other boards will be having their board meetings on July 26th if the Physical Therapy Board members would like to attend; it is optional. Ms. Jewell, PhD., PT inquired about the change of formatting regarding this training. Mr. Hartzell stated due to budgetary restraints, DCA opted for a training focusing on information for all boards in lieu of a full conference. Kim Kirchmeyer, DCA Deputy Director of Board Relations provided additional insight into what is to be expected at this training. DCA's goal is to provide educational information for members of all boards such as board member roles, governance, performance measures, board member guidelines and Continuing Competency. In addition, Ms. Kirchmeyer encouraged all Board members to attend the other board meetings that are being held on the 26th.

Ms. Jewell, PhD., PT asked if the meeting in July was based on the Board having a majority. Mr. Hartzell explained the training does not, but if there is no quorum, the value of the meeting will be looked at. No decisions can be made without a quorum, only discussions can be held.

Dr. Takii, Physical Therapist announced the change of duties for Kirsten Salters and expressed sincere gratitude for all her work with board meeting coordination and assisting the Board members. Dr. Takii, Physical Therapist welcomed Sarah Conley as the new board meeting coordinator.

Dr. Takii, Physical Therapist announced this is the end of the grace period for Dr. Alviso, Physical Therapist. She completed a three year term and her grace period ends June 1, 2010. Dr. Alviso, Physical Therapist served as the alternate delegate for the Federation of State Boards of Physical Therapy (FSBPT). She is on her second term with the FSBPT Continuing Competency Committee and is now serving on the FSBPT Finance Committee. Dr. Takii, Physical Therapist presented Dr. Alviso, Physical Therapist with a Certificate of Appreciation and thanked her for her services with the Board. Dr. Alviso, Physical Therapist, in return, thanked everyone and said she has enjoyed serving as a Board member.

(B) 2010/2011 PTBC Meeting Dates

Dr. Takii, Physical Therapist asked all to review the Board meeting calendar and noted the next meeting is in July, and then the following meeting is November 3-4, 2010. There is a question whether or not there will be a strategic planning meeting in conjunction with the Board meeting in November. Mr. Hartzell said we can further discuss strategic planning at the July meeting.

Cheryl Resnik, PT, President of the California Physical Therapy Association (CPTA), asked the Board to explain what the result will be if a quorum is not established at the next meeting; what will happen for the remainder of the year with Board business? Mr. Hartzell reiterated that the Board will be able to discuss matters, but no decisions can be made. Some enforcement matters can move forward such as modification and reinstatement of license hearings because they can be heard by an Administrative Law Judge (ALJ). The ALJ can then make a proposed decision, which becomes effective one hundred days after it is submitted if the Board does not

take action. Mr. Hartzell added that regulation adoptions cannot move forward without a quorum.

Ms. Kirchmeyer explained that one of her roles is looking at board member appointments and reappointments. The Governor's Office, Appointments division, is very aware of the Board not having a quorum as of June 1st. Mr. Hartzell noted there is also a legislative vacancy that will hopefully be filled as well.

Mr. Hartzell explained the 2011 calendar is being presented for Board members to start planning for next year. A more serious discussion of the 2011 dates can be held at the next meeting. Ms. Jewell, PhD., PT stated she will not be available from January 25, 2011 through February 8, 2011. Mr. Hartzell said we will pencil in February 10-11, 2011 for the first meeting of the year.

3. Executive Officer's Report – Steven K. Hartzell (A) Update and (B) FY 2010-2011 Budget

Mr. Hartzell directed the Board members to the March 2010 CALSTARS report. He went on to say that in the forecast to June 30, 2010, most of the budget will be spent, but there will be no overspending. There are a lot of variables such as the possibility of ten administrative cases going to hearing between now and June 30, 2010. Mr. Hartzell has negotiated settlements to be reviewed by the Board and hopes to reach settlement proposals for a few more. To provide an example of the cost of an administrative hearing, Mr. Hartzell stated a four hour hearing can cost between \$4,000 and \$5,000 with an eight hour hearing not double this cost, but close to.

Mr. Hartzell stated there may be consequences of not having a budget July 1, 2010 such as staff being paid federal minimum wage. State employees have already seen reduction in pay with furloughs; this would create even more of a hardship. The Governor stated furloughs will end and employees will return to a five day work week as of July 1, 2010, however, the Governor's Office also stated he intends to reduce state pay. If there is a reduction of pay to federal minimum wage, staff would be repaid the full amount once the budget is passed.

(B) Substance Abuse Coordination Committee

Mr. Hartzell shared that the Substance Abuse Coordination Committee (SACC) met again and has made some revisions since the last Board meeting. There is a subcommittee looking at the frequency of drug testing and then the SACC may also meet again thereafter. The SACC will hopefully have a total revised package for the Board to review shortly. Once this is complete, the PTBC may move forward with regulations, implementing some of the uniform standards. There are already changes to go forward with the Disciplinary Guidelines (Guidelines) on this agenda, so it represents a challenge. It can be problematic to start one package, and then change it, so staff is trying to coordinate the changes to the Guidelines all at one time. A result may be that any changes approved today for the Guidelines will be delayed in waiting for the SACC regulations. The statutory language requires the Board to use the guidelines developed by the SACC, which the Board has adopted. There is no action needed at this time.

4. Consumer Protection Services Enforcement Report – Elsa Ybarra

(A) Update and (B) Statistics

Elsa Ybarra asked if there were any questions regarding the Consumer Protection Services Enforcement Report. Dr. Alviso, Physical Therapist stated, from the report, it looks like there is an overall reduction of pending complaints and investigations and asked Ms. Ybarra if she thought this was well represented. Ms. Ybarra stated yes staff is working very hard to get to DCA's goal of completing complaints within eighteen months. Ms. Jewell, PhD., PT inquired about the report showing that in the last two years, there were one thousand cases and only twelve accusations filed. In addition, looking at the complaint intake, if adding closed, assigned and pending, it is larger than the number received. Mr. Hartzell and Ms. Ybarra stated this is due to carryover from the previous month.

Mr. Turner asked about the number of complaints being investigated. The report showed thirty-nine received complaints and zero were closed without investigation; however, only thirty-seven were assigned for an investigation. Ms. Ybarra stated this was a preliminary report so the numbers may not add up correctly.

Mr. Hartzell stated this report format was mandated by DCA. Ms. Jewell, PhD., PT explained she believes the most useful piece of data is average days to close or assign an investigation and maybe even the pending cases. Mr. Hartzell noted this report is being used by all agencies within DCA and standardized numbers are needed to compare data.

Ms. Kirchmeyer agreed with Ms. Ybarra's statement that the statistics are at a trial stage and DCA is working on getting more information included on the reports now, or with the new BreEZe system.

Ms. Jewell, PhD., PT was concerned there is no statistical information reflecting the work of staff and the accomplishments made since the board had already been addressing the issue of case backlogs. Mr. Hartzell directed the Board's attention to desk investigations, which shows the in-house work that is done and the timeframe in which work was completed. Mr. Hartzell stated the desk investigations often result in citation or no action at all. Ms. Kirchmeyer complemented Board staff on their effectiveness in working to achieve the goals set forth by DCA regarding enforcement case processing.

5. Application & Licensing Services Report – *Ilda Romo*

(A) Update and (B) Statistics

Ilda Romo stated as of April 21, 2010 licensees have the ability to renew their license on-line with a credit card. A benefit of the on-line renewal is the efficiency; licensees can be renewed within one to three business days. Within the first two weeks of operation, there have been forty on line payments. Mr. Hartzell complemented Ms. Romo on her work with the on-line payments; it was not an easy task. The project was a pilot program and the challenge was maintaining the integrity of the renewal process.

Ms. Romo explained there are more and more questions on Continuing Competency. The questions received have been made into frequently asked questions on the Board's website. Ms. Romo added there are twenty-eight approved Continuing Competency providers.

Mr. Hartzell commented on the licensing backlog. Licensees are largely in control of their own licensing process. An internal goal is to respond to all requests within one week. Actual response time is currently two to three weeks. The applicants get sixty days to take the exam once they register with the Federation of State Boards of Physical Therapy (FSBPT) and some wait until the end of this period. For foreign applicants, they have up to a nine month period of clinical service, which can appear to be a backlog.

Ms. Jewell, PhD. PT asked to whom she should report questionable advertising of Continuing Competency courses. Ms. Romo said to refer any concerns or questions to her. Dr. Alviso, Physical Therapist asked for a prediction of how many licensees will use the California Law Exam for Continuing Competency credits. Mr. Hartzell stated we are about six months to one year out from using the exam for that purpose.

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

(A) California Physical Therapy Association (CPTA)

The CPTA indicated they had nothing to report or discuss that is not elsewhere on the agenda.

(B) FSBPT

Dr. Alviso, Physical Therapist stated the FSBPT and the American Physical Therapy Association (APTA) has issued a discussion paper regarding Continuing Competency. This discussion paper is a good collaboration of two organizations with different focuses. Both organizations are attempting to find some common ground; however, they may end up with two definitions based on the different viewpoints. Dr. Alviso, Physical Therapist asked that the discussion paper be a reference for any future Board discussion on Continuing Competency.

Ms. Resnik has a concern that the FSBPT sees themselves in a position of mandating what is required to practice, which appears to set themselves up as a money making agency. Mr. Hartzell responded the FSBPT is an agency composed of the state boards and a role of the state boards is Continuing Competency. The state boards have asked the FSBPT to take a leadership role with Continuing Competency. Dr. Alviso, Physical Therapist added this will not be a money maker; the FSBPT is doing this from a regulatory stand point for members and have endured a lot of costs. Ms. Jewell, PhD., PT also noted the FSBPT has attempted to standardize a wide variety of state regulations, which does cost money and a way of recouping those costs is through the examination fee.

It was discussed that when a professional association puts forth a position paper on standards of practice they can be used by the regulatory agency to justify their regulations in licensure.

Dr. Takii, Physical Therapist discussed she is on the FSBPT Foreign Education Standards Committee (FESC). Since the last Board meeting, there was a telephone conference. The FESC is working on a few issues, one being comparing the Commission on Accreditation in Physical Therapy Education (CAPTE) language for school accreditation and looking at the coursework tool used to evaluate the educational standards of those who have been foreign educated. A questionnaire has been created for review agencies to complete so the FESC may determine what each agency's internal standards are for their staff.

The FSBPT Examination and Administration Committee (FEAC) will meet in July and Mr. Hartzell will be attending.

(C) DCA Director's Report – DCA Representative

Ms. Kirchmeyer thanked Mr. Hartzell and staff for all the work they have done to assist DCA, and for piloting the on-line renewal project. Ms. Kirchmeyer complimented the Board on having meetings at schools with physical therapy programs since DCA is looking for outreach opportunities. DCA was called to the Assembly Accountability and Oversight Committee to discuss the number of meetings held outside of state facilities. DCA is encouraging the use of state facilities, free facilities and facilities that perform a benefit, which the Board has been doing. DCA appreciates how proactive the Board has been in helping achieve this outreach goal. In addition, DCA is looking at webcasting meetings for students' access and possibly to add these webcasts as a part of the curriculum.

Ms. Kirchmeyer moved on to discuss the Consumer Protection Enforcement Initiative (CPEI), which stemmed from many boards taking a lengthy amount of time to process complaints. DCA's goal is to improve from three years to twelve to eighteen months. There are three main parts to the CPEI: Administrative Improvements, Staffing and Information Technology (IT) Resources and Legislative Changes. Under Administrative Improvements, the first Enforcement Academy began April 19, 2010 with a current enrollment of eighty staff. The focus of the Enforcement Academy is training, education and interaction of staff. In addition, DCA has hired a Deputy Director of Enforcement and Compliance, Paul Riches, who is meeting with boards to review their statistics looking specifically at weak points, and then finding ways to strengthen them. DCA has developed eight performance measurements for enforcement functions which measure: cycle time, volume of complaints, cost, consumer services and probation monitoring. Ms. Kirchmeyer stated the formal date of data collection is in July 2010 then the data will be posted on board websites in October 2010.

DCA is asking each board to set their own enforcement targets for complaint intake and desk investigations, but keeping an overall focus of twelve to eighteen months. There is an IT and Staffing Budget Change Proposal (BCP) currently adding 107 new positions for all boards and 138 new positions for the following year. DCA is working with the Senate Budget Committee to get the BCP approved in the Senate.

There is a system being developed, BreEZe, that will be used for both enforcement and licensing services. BreEZe will connect multiple licenses and there is hope that documents will be able to be received via email. The first five boards begin using BreEZe in December 2012; PTBC is not in this first group. The legislative portion of the CPEI was SB 1111 which was intended to carry the legislative changes necessary to enact many of these new enforcement policies, but it did not make it out of the Senate Business and Professions Committee. In response to SB 1111 failing, DCA looked at the SB 1111 language to determine what requires a statutory change and what could be a regulatory change. The language for the regulations based on SB 1111 will allow expediting of investigations and prosecutions. Draft regulation language is included in this agenda as item #8 (H).

(D) Department of Consumer Affairs, Division of Investigation – Jack Hagan

Jack Hagan, Chief, Division of Investigation (DOI) discussed the investigation process. In addition, he provided the board with a handout; please see attached.

7. Legislation Update – Sarah Conley

Mr. Hartzell explained there is an outline of the bills staff is following; however, many of the bills do not directly change the regulation of the profession, but may change how the board functions.

(A) AB 1542 – Medical homes

Author(s): Committee on Health (Assembly Members Jones [Chair], Adams, Ammaino, Block, Carter, De La Torre, De Leon, Hayashi, Hernandez, Bonnie Lowenthal, Nava, V. Manuel Perez, and Salas)

Mr. Hartzell explained AB 1542 is being watched because it appears to be generic and may be amended any number of ways.

(B) AB 1659 – State government: agency repeals

Author(s): Huber

Mr. Hartzell stated AB 1659 deals with the Sunset Review of state agencies. In addition, the author, Assembly Member Huber, has a few bills regarding the Sunset Review, which Mr. Hartzell recommends supporting. The Board is already a part of the Sunset Review process and it is helpful to support an assembly member's bill. It is goodwill for the future when the Board may need his/her support. Ms. Jewell, PhD., PT asked how this is different than what is currently in place. Mr. Hartzell explained the author is attempting to expand the sunset review process to all of state government.

Mr. Hartzell recommends a support position.

(C) AB 1822 – Massage therapy

Author(s): Swanson

Dr. Alviso, Physical Therapist asked if there were any specific concerns regarding AB 1822. Mr. Hartzell said there are no concerns at this time; however, this bill could allow local government to get involved with the regulation of massage therapy. The original bill did not allow massage therapists to perform healthcare. This bill is being watched to see if anything is added to the massage therapy scope of practice.

(D) AB 2130 – Professions and vocations: sunset review

Author(s): Huber

AB 2130 is a companion bill to AB 1659.

Mr. Hartzell recommends a support position.

(E) AB 2382 – California State University: Doctor of Physical Therapy degrees

Author(s): Blumenfield

Sarah Conley stated AB 2382 is to allow CSUs to award DPTs due to the CAPTE educational requirement revisions. Dr. Takii, Physical Therapist asked where the bill is headed next in the legislative process, at which time Stacy DeFoe, Executive Director, California Physical

Therapy Association, provided further information. Ms. DeFoe informed the Board that the bill cleared the Assembly Appropriations, Business and Professions and Higher Education committees. There was concern with Appropriations given the current economic climate. Ms. DeFoe had just received notice the bill is ready to go the Assembly floor, and hopefully move to the Senate Education Committee in June.

(F) AB 2466 – Regulations: legislative validation: effective date
Author(s): Smyth

Ms. Jewell, PhD., PT wanted to verify that this deals with repeals and that the Legislature will be dealing with every proposed regulation. Mr. Hartzell confirmed this bill does say we would have to go to the Legislature every time we need to do a regulation and this could affect how we do things. Ms. DeFoe added this is in the Appropriations suspense file so it is probably not going anywhere.

(G) AB 2529 – State agencies: regulations: review
Author(s): Fuentes

Mr. Turner asked if this bill relates to AB 2466. Mr. Hartzell agreed it does in that all regulations would be reviewed to determine if they should be kept.

(H) AB 2603 – Administrative regulations: reductions
Author(s): Gaines

These would require the Board to review and reduce the number of regulations by approximately one third. Ms. DeFoe added this bill failed in the Assembly Business and Professions Committee on April 20, 2010 so it is probably not going anywhere.

(I) AB 2699 – Healing arts: licensure exemption
Author(s): Bass

Ms. Jewell, PhD., PT inquired about the need and intent of AB 2699. Mr. Hartzell explained there is already existing law that states in the event of an emergency, healthcare professionals can come and help in California. This bill would provide an exemption to those who set up a short term operations with volunteer medical staff who are licensed in other states, but not California.

(J) SB 1172 – Regulatory boards: diversion programs
Author(s): Negrete McLeod

Mr. Hartzell recommends a support position.

MOTION: To change from a watch position to a support position for AB 1659, AB 2130 and SB 1172 and to delegate the authority to change positions on bills to the Board President

MOVED: Dr. Alviso, Physical Therapist

SECOND: Mr. Turner

VOTE: 4-0 Motion Passed

8. Draft Regulatory Language for Board Consideration and Possible Action for the Following Sections of Division 13.2 of Title 16 California Code of Regulations (Physical Therapy Board of California) – Rebecca Marco

(A) Abandonment of Applications

1398.21, 1398.21.1, 1398.23, 1398.24, 1398.27, 1398.42, 1399.10

In reviewing Section 1398.24.2 (a) (3) the issue arose as to what kind of identification is on the Certificate of Completion (P1E). The Board directed board staff to look into what information is provided on various schools' transcripts. From that, an additional identifier will be added to the P1E for applicant identification purposes.

There was discussion by the Board that Section 1398.24.1 (7) represents two phases of the application process. It was presented that the fingerprint clearances were part of phase one of the application process. There was question regarding the order of receiving the fingerprint clearance and issuing applicant status. An option is being considered that the Executive Officer may use his discretion in issuing License Applicant Status if a fingerprint clearance is delayed.

It was discussed whether 1398.24.5 (8), verification of license in another state, is part of phase two of the application process.

The language for 1398.24.6 (b) (2) needs to be modified to include the FSBPT score report must reflect a passing score. 1398.24.7 was approved to move forward with the given language, however, Mr. Hartzell was asked to speak with the DCA as to why the board having the burden of proof .

The Board recommended an overall review of the language to revise awkward wording.

After extensive discussion, the Board directed staff to review language and make the suggested modifications.

(B) Credential Evaluation Services

1398.25, 1398.26.1

Staff was instructed to modify language to include all versions of the Coursework Tool for Foreign Educated Physical Therapists by time period.

MOTION: To adopt the proposed language with the recommended modifications for Section 1398.26.1

MOVED: Ms. Jewell, PhD., PT

SECOND: Dr. Alviso, Physical Therapist

VOTE: 4-0 Motion Passed

(C) Clinical Service Requirements for Foreign Educated Physical Therapist Applicants 1398.26.5

Ms. Yazigi advised the Board that this language has been included with Agenda Item #8 (A), Abandonment of Applications.

(D) Disciplinary Guidelines including Continuing Competency 1399.15

The Board was informed the review of language for 1399.15 has been postponed due to other upcoming changes to the Disciplinary Guidelines (Guidelines).

(E) Physical Therapy Assistant Equivalency Training and Experience 1398.47

MOTION: To adopt the proposed language for Section 1398.47

MOVED: Mr. Turner

SECOND: Ms. Jewell, PhD., PT

VOTE: 4-0 Motion Passed

**(F) Unprofessional Conduct
Regulation number(s) to be determined**

Ms. Yazigi informed the Board the topic of Unprofessional Conduct has already been covered in the Business and Professions Codes Section 2660.

**(G) Delegation of Executive Officer Authority
Regulation number(s) to be determined**

Section 1399.25 (d) will be re-noticed on a future agenda to address the issue of draft changes that ensure congruency with DCA's policy. Section 1399.29 (g) will also be changed to include delegation of Informal Conferences by Executive Officer authority to the Assistant Executive Officer consistent with the draft language of 1399.25 (a).

After Board discussion, staff was directed to review language and make suggested modifications.

MOTION: To direct staff to proceed with the rulemaking procedures for the adoption of proposed language with the recommended modifications for Section 1399.25

MOVED: Ms. Jewell, PhD., PT

SECOND: Dr. Alviso, Physical Therapist

VOTE: 4-0 Motion Passed

**(H) Components of SB 1111 (Consumer Protection Enforcement Initiative) that may be adopted through regulation
Regulation number(s) to be determined**

MOTION: To direct legal to include clearer language about settlement agreements for revocation and to notice the changes to Section 1398.4 for hearing at the July Board meeting

MOVED: Ms. Jewell, PhD., PT

SECOND: Mr. Turner

VOTE: 4-0 Motion Passed

MOTION: To notice Section 1399.15 as modified for hearing at the July, 2010 Board meeting.

MOVED: Dr. Takii, Physical Therapist

SECOND: Mr. Turner

VOTE: 4-0 Motion Passed

MOTION: To notice Section 1399.23 as modified for hearing at the July, 2010 Board meeting

MOVED: Ms. Jewell, PhD., PT

SECOND: Dr. Alviso, Physical Therapist

VOTE: 4-0 Motion Passed

MOTION: To notice Section 1399.24 as modified for hearing at the July, 2010 Board meeting.

MOVED: Mr. Turner

SECOND: Ms. Jewell, PhD., PT

VOTE: 4-0 Motion Passed

9. CPTA's Request to Define the Terms "Patient" and "Client" in a Physical Therapist Clinical Setting in Regards to Wellness

The Board determined that to define the terms "Patient" and "Client" in a Physical Therapist Clinical Setting additional research and discussion are required.

**10. Special Order of Business – Wednesday, May 12, 2010, 1:00 pm
Regulatory Hearing on the Proposed Language for the Following Sections of the
California Code of Regulations, Title 16, Division 13.2:**

Hearing Began at 1:05 pm. Hearing was closed at 1:34 pm.

**(A) Article 4, Physical Therapy Assistant. Section 1398.44: Adequate
Supervision Defined**

There was concern regarding the interpretation of a written system of transfer; the language was too vague.

MOTION: To add language which includes the use of an internal policy regarding the written system of transfer

MOVED: Ms. Jewell, PhD., PT

SECOND: Mr. Turner

This motion did not go to vote, both Ms. Jewell, PhD., PT and Mr. Turner withdrew the motion. The Board determined the language was purposely written to allow facilities to establish their own internal procedures for the written system of transfer.

A discussion was held regarding an assistant performing any care before the evaluation and re-evaluation of a patient. It was decided the assistant may not provide any care prior to the evaluation, but may provide care prior to a re-evaluation.

MOTION: To adopt Section 1398.44 with recommended modifications

MOVED: Dr. Alviso, Physical Therapist

SECOND: Mr. Turner

VOTE: 4-0 Motion Passed

**(B) Article 6, Physical Therapy Aides. Section 1399: Requirements for Use of
Aides**

There was concern with using “assist” when referring duties of an aide. The Board agreed that the language could be misleading.

MOTION: To adopt Section 1398.44 with recommended modifications

MOVED: Mr. Turner

SECOND: Ms. Jewell, PhD., PT

VOTE: 4-0 Motion Passed

(C) Article 12, Topical Medications. Section 1399.85: Patient Documentation

No changes were made to Section 1399.85.

MOTION: To approve the rulemaking package as modified for staff to proceed with rulemaking, assuming no adverse comments are received during the fifteen date notice period and also to authorize the Executive Officer to make non-substantive changes as the Department of Consumer Affairs or the Office of Administrative Law may require

MOVED: Ms. Jewell, PhD., PT

SECOND: Mr. Turner

VOTE: 4-0 Motion Passed

11. Introduction of Board Members and Orientation for Students

The Board members introduced themselves, explained their duties as Board members and discussed the profession of physical therapy.

12. Special Order of Business – Thursday, May 13, 2010, 8:30 am

Hearing on Petition for Termination of Probation – Ruel Hernandez, PT

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

The decision on termination of probation will be available on the Board's website at www.ptb.ca.gov.

13. Special Order of Business – Thursday, May 13, 2010, Immediately Following Agenda Item #12

Hearing on Petition for Termination 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).

The decision on termination of probation will be available on the Board's website at www.ptb.ca.gov.

14. Disciplinary Decisions

The Board convened in CLOSED SESSION to deliberate on disciplinary actions pursuant to Government Code section 11126 (c) (3).

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

15. Public Comment on Items not on the Agenda

Arnold Tripp inquired about the status of the EMG issue. The Board did not have an update as of yet, but directed staff to look in to getting the previously requested information prior to the next Board meeting.

16. Agenda Items for Next Meeting – Wednesday, July 28, 2010 – Sacramento, California

- Briefing paper on functions of the agency vs. agency itself
- Revised item #8 (B), (E), (G) AND (H)
- Revised item #8 (A)
- Use of DPT
- Possible Certificate of Completion identifiers
- “Patient” and “Client” defined
- 1399.25 (d) cite and fine criteria for issuing fines up to \$5,000
- Update on authority to fingerprint as a condition of renewal

17. Adjournment

The meeting adjourned at 5:25 pm, May 13, 2010.

Motion: To adopt the draft minutes with recommended corrections of the May 12-13, 2010 Board meeting minutes

Moved: Dr. Alviso, Physical Therapist

Second: Mr. Turner

Abstained: Ms. Pines

Vote: 4-0 Motion Passed

Dr. Sara Takii, Physical Therapist

Date