



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

Physical Therapy Board of California

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Board Members

Debra Alviso, Physical Therapist, DPT,
President

Martha Jewell, Physical Therapist, Ph.D.,
Vice-President

Sara Takii, Physical Therapist, DPT, MPA
Katarina Eleby
James Turner, MPA
Carol Wallisch, MA, MPH

Physical Therapy Board of California APPROVED Meeting Minutes

February 19, 2014 8:15 a.m.

February 20, 2014 8:30 a.m.

Department of Consumer Affairs
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815

Board Staff

Jason Kaiser, Executive Officer
Liz Constancio, Manager
Elsa Ybarra, Manager
Sarah Conley, Executive Associate
Analyst

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

1. Call to Order and Roll Call

The Physical Therapy Board of California (Board) meeting was called to order by Dr. Alviso at 8:15 a.m. Dr. Jewell was absent; all other members were present and a quorum was established. Also present at the meeting were Laura Freedman, Legal Counsel; Jason Kaiser, Executive Officer; Elsa Ybarra, Consumer Protection Services Manager; Carl Nelson, Administrative Services Program Analyst; Veronica Gutierrez, Application and Licensing Program Analyst; and, Karin Thompsen, Continuing Competency Program Analyst.

2. Special Order of Business – February 19, 2014, 8:30 a.m. Hearing on Petition for Modification of Probation – Maeve Curran, PT Hearing on Petition for Modification of Probation – Alan Edmundson, PT

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

Once issued, disciplinary decisions may be found on the Board's website at www.ptbc.ca.gov.

3. Closed Session

(A) Pursuant to Government Code section 11126(c)(3) Deliberation on Disciplinary Actions

Once issued, disciplinary decisions may be found on the Board's website at www.ptbc.ca.gov.

(B) Pursuant to Government Code section 11126(c)(1) Matters Relating to Examinations

**(C) Pursuant to Government Code section 11126(e)
US Equal Employment Opportunity Commission (EEOC) Charge
Number 555-2012-00027**

**4. Approval of Meeting Minutes for:
(A) November 6 & 7, 2013 Meeting**

The Board identified minor amendments to the minutes.

MOTION: To adopt the draft November 6 & 7, 2013 meeting minutes as amended.

MOVED: Dr. Takii

SECOND: Ms. Wallisch

VOTE: 5-0. Motion carried

(B) December 10, 2013 Teleconference Meeting

The Board agreed to summarize edits made to proposed language and remove specific references as discussed during the teleconference.

MOTION: To adopt the draft December 10, 2013 teleconference meeting minutes as amended.

MOVED: Dr. Alviso

SECOND: Dr. Takii

VOTE: 5-0. Motion carried

5. Consumer and Professional Associations and Intergovernmental Relations Reports

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

Mr. Kaiser reported he had been appointed to serve on the FSBPT's Continuing Competency Review Committee and recently attended training in Virginia. Ms. Takii was pleased to learn the restriction on travel had been lifted and the Board could resume participation in FSBPT activity. Dr. Alviso indicated the next meeting of the FSBPT will be September 18 – 20, 2014 in San Francisco.

(B) Department of Consumer Affairs (DCA) – Christine Lally

Ms. Lally distributed current copies of the DCA Strategic Plan. She also reminded members of the filing of the Form 700 requirement and the Board Member Orientation scheduled for April 2, 2014.

(C) California Physical Therapy Association (CPTA)

Dr. Low, Doctor of Physical Therapy, representing the CPTA questioned the historical background for deleting the reference to physical therapy students as interns with passage of SB 198. Dr. Alviso requested Dr. Low give Mr. Kaiser time to look into it.

Dr. Low also advised the CPTA was pursuing the application of AB 1000 in hospital settings.

6. President's Report – Dr. Debra Alviso

(A) Proposed 2014 Meeting Calendar

The Board reviewed the proposed 2014 meeting calendar and confirmed the May 2014 will be held at University of California, Los Angeles (UCLA). Ms. Freedman advised she has a conflict with the May 14, 2014 meeting date and the Board may be represented on that day by other DCA counsel. Ms. Alviso requested the October 24 – 25, 2014 CPTA Annual Conference dates be added to the calendar.

(B) Other Items

Ms. Alviso reported she and Mr. Kaiser participated in a DCA teleconference meeting a couple of weeks ago but there wasn't much discussed impacting the Board.

7. Executive Officer's Report – Jason Kaiser

Mr. Kaiser distributed a report which included updates on the following: 1) the Joint Legislative Audit Committee's (JLAC) finding specific to exploring the feasibility of employing a civil service employee to serve as the Board's Expert. DCA's Office of Human Resources conducted a study pursuant to the JLAC finding and concluded it was not feasible. The rationale for the conclusion will be published on the JLAC website and should fulfill the Board's obligations to comply with the audit; 2) the Board is in the process of an internal audit of compliance with fingerprint clearances; 3) he met with DCA staff, Christine Lally and Jeff Sears regarding the Board's staffing deficiencies which resulted in a productive outcome and favorable resolution to some of the current staffing issues; 4) BreEZe continues to tax staffing resources but warrants the investment of time; 5) several requests for outreach to address SB 198 and AB 1000 have been received but limited staff resources may hinder the ability to fulfill each request; 6) revisited budget issues addressed in Agenda Item 12(A); 7) advised on Veronica Gutierrez's placement into the Application and Licensing Lead position as well as Victor Azar's placement into the Office Technician position currently dedicated to keeping staff involvement in BreEZe on track; and, 8) addressed backlogs in

the Continuing Competency Program and in telephone calls and emails received by the Board in general. Mr. Kaiser shared that potential resolutions to both are currently being explored.

- 8. Physical Therapist Scope of Practice with Regard to Medications – Dr. Debra Alviso**
 - i. 11/25/2013 Response Letter to CPTA Inquiry

Dr. Alviso referred to the letter included in the agenda materials, written by Ms. Freedman, Board counsel. After review of the timeline leading to the response, she commended Ms. Freedman.

- 9. Legislation Report – Jason Kaiser**
 - (A) Implementation of Chaptered 2014 Bills**

Mr. Kaiser indicated pending legislative approval of the Budget Change Proposal requesting a two year limited term position to review, analyze and execute regulations resulting from some of the following enacted legislation is in process. He also added AB 258 and SB 304 are part of BreZE development.

- i. **AB 258 (Chávez) State Agencies: Veterans**
- ii. **AB 1000 (Wieckowski) Physical Therapists: Direct Access to Services**
- iii. **AB 1057 (Medina) Professions and Vocations: Licenses: Military Service**
- iv. **SB 198 (Lieu) Physical Therapy Board of California**
- v. **SB 304 (Lieu) Healing Arts: Boards**

(B) Current Bills

Mr. Kaiser reported SB 381 and AB 864 expired on January 31, 2014. Ms. Wallisch indicated she was aware of a new bill introduced seeking licensure of athletic trainers. Mr. Kaiser indicated he was aware of the bill and the language of the bill was similar to that of AB 864 except it would place the licensing responsibility with the Board of Osteopathic Examiners.

- i. **SB 381 (Yee) Healing Arts: Chiropractic Practice**
- ii. **AB 864 (Skinner) Athletic Trainers**
- iii. **Other Bills that have come to the attention of the Board after publication of the Agenda**

- 10. Rulemaking Report – Jason Kaiser & Elsa Ybarra**

Mr. Kaiser provided an update as follows: A) After receipt of feedback from licensees the Notice to Consumer is now translated into five different languages and can be downloaded on the Board's

website; B) the Required Email Filing regulation became effective on January 1, 2014; and, C) the Final Statement of Reasons is in the process of being drafted for submission to DCA.

- (A) Notice to Consumer**
- (B) Required Email Filing**
- (C) Guidelines for Issuing Citations and Imposing Discipline, and Uniform Standards Regarding Substance-Abusing Healing Arts Licensees**

11. Resolution Delegating Review and Registration of Sponsoring Entities to DCA for Sponsored Free Health Care Events (CCR §§ 1399.99.1 – 1399.99.4)

Mr. Kaiser explained the delegation to DCA was inadvertently omitted from the regulatory language when adopted, necessitating the resolution. He explained the licensees participating in the free health care events will be required to register with the Board itself and only the sponsoring entities will register with DCA.

MOTION: To approve the resolution delegating review and registration of sponsoring entities to DCA for sponsored free health care events as presented.

MOVED: Mr. Turner

SECOND: Dr. Takii

VOTE: 5-0 Motion carried

12. Administrative Services Report – Carl Nelson

(A) Budget

Mr. Nelson reported the expenditures were on target at 53% and there are salary savings resulting from moving temporary help into civil service positions. However, the Board is once again submitting a deficiency request in hopes of augmenting Deputy Attorney General costs.

(B) Outreach

Mr. Kaiser distributed a hand out on the status of Outreach and commented the decline in Facebook activity was largely due to the loss of staff responsible for generating activity. Ms. Alviso questioned the status of the next newsletter. Mr. Kaiser indicated articles had been collected and will be revisited once there is a replacement for this position and they are up to speed.

13. Application & Licensing Services Report – Veronica Gutierrez

Ms. Gutierrez presented the Application and Licensing Services report. Mr. Kaiser explained the implementation of SB 198 will add renewal exemption categories to the next report. Dr. Alviso

questioned how the option for renewal exemption is being relayed to licensees and requested additional notification be considered, such as a newsletter. Mr. Kaiser added some enhancements to the website and Facebook postings should increase awareness. Ms. Takii inquired about the consequence for practicing on a delinquent license. Mr. Kaiser responded the enforcement process would apply if the licensee was working on an expired license. Dr. Alviso observed the pass rate for the candidates of the California Law Examination were low and felt the Board had an obligation to reach out to program coordinators. A WebEx, seminar and update of the study guide were solutions considered.

14. Consumer Protection Services Report – *Elsa Ybarra*

Ms. Ybarra presented the Consumer Protection Services report and conveyed all goals are on target. She also acknowledged there was some data missing from the Probation Report for the month of January since it has yet to be received from the Probation Monitor.

15. Continuing Competency Report – *Karin Thompsen*

Ms. Thompsen presented the Continuing Competency report noting the current backlog remains as the program continues with limited resources. Dr. Takii questioned the process for those licensees who fail the audit. Ms. Ybarra explained that staff solicits further information once it is transferred to the Consumer Protection Services Program, which could result in the issuance a citation to the licensee for noncompliance or the licensee obtaining retroactive credit from an approval agency offering those services. In the most egregious cases they are referred to the Deputy Attorney General.

16. Public Comment on Items Not on the Agenda

Ms. Wallisch suggested alerting legislative committees of the FSBPT's proposal for exam frequency limitations. Ms. Freedman remarked exam prohibition is in conflict with state policy and statutory prohibition resides within General Business and Professions Code.

Dr. Low, representing CPTA, shared the physical therapy students asked the legislature to increase Board staff in an effort to decrease application processing times. Mr. Kaiser expressed appreciation of their support.

17. Agenda Items for Next Meeting – May 14 & 15, 2014 University of California, Los Angeles Los Angeles, CA

The Board indicated it did not have any specific items at this time for the May, 2014 meeting.

18. Adjournment

The meeting was adjourned on Thursday, February 20, 2014.

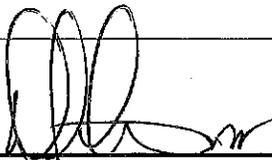
The Board adopted the February 19 & 20, 2014 meeting minutes at the May 14 & 15, 2014 meeting. The motion and vote are provided below.

MOTION: To adopt the draft February 19 & 20, 2014, meeting minutes as amended.

MOVED: Mr. Turner

SECOND: Dr. Takii

VOTE: 7-0 Motion carried



Dr. Debra Alviso, Physical Therapist, Board President

9/17/14

Date